

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
Civil Action# 12-cv-1491

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/19/2009

To: Criminal Investigative

Attn: UC [redacted]
Public Corruption Unit,
Room 3975

From: Washington Field
Squad CR-15/Northern Virginia Resident Agency
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 58C-WF-NEW 24073 CO41033 -1 (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);
[redacted]
FORMER SENATORIAL STAFF MEMBER;
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[redacted]

Synopsis: To request SAC authority to [redacted]
[redacted] into allegations of possible public corruption;
provide FBIHQ with notification of same; and set action lead.

Reference: WF 56-0 Serial 177

Administrative: E-mail dated 10/07/2009 from SSA [redacted]
[redacted] FBIHQ/Criminal Investigative Division/Public Corruption
Unit, which confirms FBI/Las Vegas Division's knowledge of
allegations of possible criminal activity by U.S. Senator JOHN E.
ENSIGN; and provides FBI/Las Vegas Division's concurrence for
Washington Field Division to initiate a public corruption
investigation.

[redacted] E-mail dated 10/07/2009 from Trial Attorney [redacted]
[redacted] Chief of the United States Department of
Justice/Criminal Division/Public Integrity Section, which

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To: Criminal Investigative From: Washington Field
Re: 58C-WF-NEW, 10/19/2009

provides prosecutory concurrence for Washington Field Division to initiate captioned criminal investigation.

Telcal on 10/16/2009 between Trial Attorney [redacted]
[redacted] United States Department of Justice/Criminal
Division/Public Integrity Section; and SA [redacted]
Washington Field Division/Squad CR-15; regarding predication and
planned initiation of captioned investigation.

Enclosure(s): Enclosed for submission into the substantive case-
is one (1) copy of a letter dated 10/06/2007 [with corresponding
attachments] addressed to Washington Field Division from [redacted]
[redacted] Executive Director for CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON (CREW). This letter requests the initiation
of a criminal investigation into the alleged illicit activities
of U.S. Senator JOHN E. ENSIGN, [redacted] and others.
The aforementioned corresponding attachments include a New York
Times newspaper article dated 10/02/2009 and numerous redacted
documents/e-mails/personal notes/memorandum which were obtained
by the New York Times through various sources.

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Also enclosed for FBIHQ/Criminal Investigative
Division/Public Corruption Unit is one (1) original and one (1)
copy of a Letterhead Memorandum dated 10/19/2009 which documents
predication for captioned public corruption investigation.

Details: This communication requests SAC authority to [redacted]
[redacted] into allegations of possible public
corruption; and provides FBIHQ/Criminal Investigative
Division/Public Corruption Unit with written notification of same
as required by the Domestic Investigations and Operations Guide
(DIOG) Section 7.7(A) (3) (a).

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This communication also requests that captioned matter
be assigned to SA [redacted] Washington Field
Division/Squad CR-15, for logical investigation.

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BACKGROUND:

Captioned investigation is predicated on information
reported in the 10/02/2009 edition of the New York Times
newspaper and forwarded to Washington Field Division by CITIZENS
FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (CREW), a non-profit
political watchdog group.

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To: Criminal Investigative From: Washington Field
Re: 58C-WF-NEW, 10/19/2009

For the way of background, U.S. Senator JOHN ERIC ENSIGN (R-NEVADA) is a sitting member of the United States Senate. U.S. Senator ENSIGN was first elected to the United States Senate in 11/2000 and was re-elected to his second term circa 11/2006. U.S. Senator ENSIGN currently serves as a ranking member on several congressional committees and previously served as Chairman of the National Republican Senatorial Committee (NRSC) between 11/2006 and 11/2008.

On 06/16/2009, U.S. Senator ENSIGN publicly announced that he had engaged in an extramarital affair with an unnamed former campaign aide. This unnamed campaign aide was later publically identified as CYNTHIA L. HAMPTON. CYNTHIA HAMPTON simultaneously served as Treasurer of U.S. Senator ENSIGN's senatorial re-election committee and leadership Political Action Committee (PAC) between 2007 and 2008. In 05/2008, U.S. Senator ENSIGN fired CYNTHIA HAMPTON from her position with his political committees.

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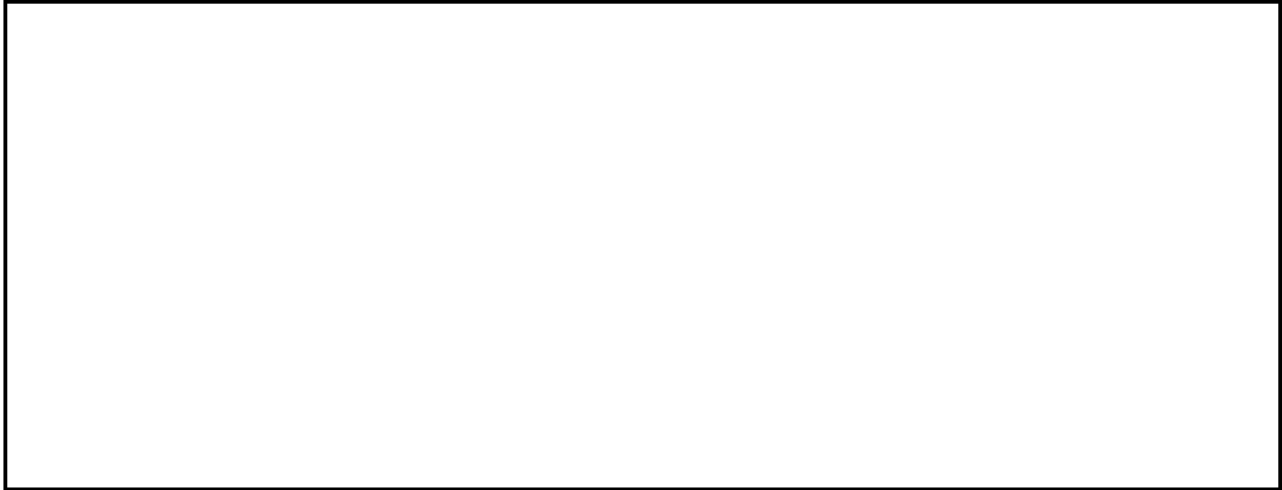
SUMMARY OF ALLEGATIONS:

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To: Criminal Investigative From: Washington Field
Re: 58C-WF-NEW, 10/19/2009



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Immediately prior to becoming Political Director for the NRSC, [REDACTED] NOVEMBER INCORPORATED, a political consulting company. Between 2002 and 2007, [REDACTED] served as U.S. Senator ENSIGN's top fund-raiser and political consultant through his work at NOVEMBER INCORPORATED. This company went dormant in 2007 when [REDACTED] assumed his position with the NRSC at U.S. Senator ENSIGN's recommendation.

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After discussing [REDACTED] employment options with U.S. Senator ENSIGN, [REDACTED] agreed to re-activate NOVEMBER INCORPORATED in order to employ [REDACTED] and provide him with the necessary political support to start a small government affairs practice. U.S. Senator ENSIGN and [REDACTED] subsequently met with [REDACTED] in order to present him with this business opportunity.

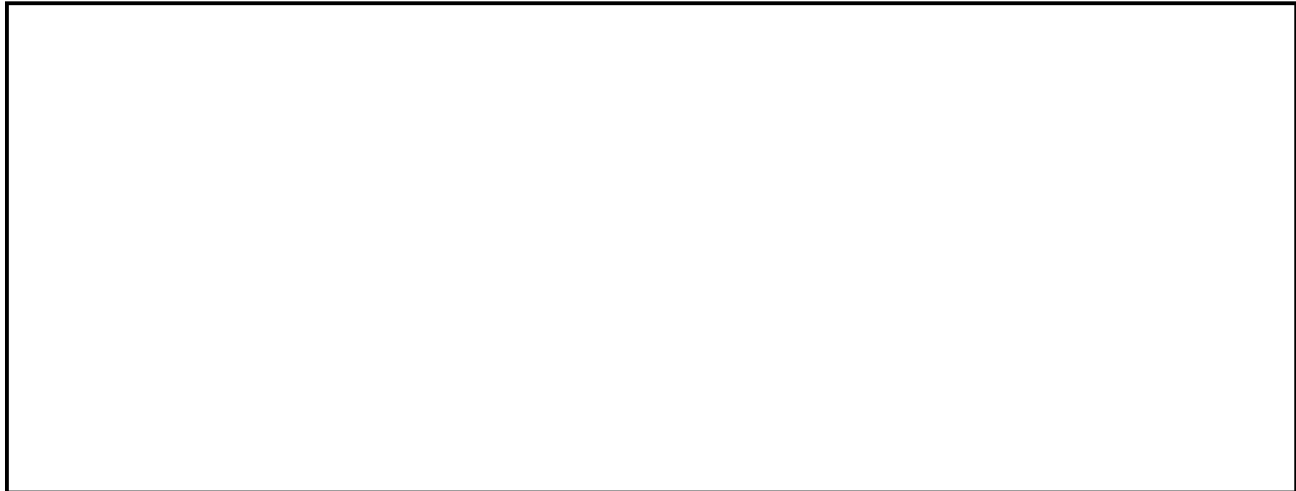


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To: Criminal Investigative From: Washington Field
Re: 58C-WF-NEW, 10/19/2009



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In 05/2008, [REDACTED] began working at NOVEMBER INCORPORATED. Documents and E-mails obtained by the New York Times indicate that two (2) companies immediately retained [REDACTED] services after being personally contacted by U.S. Senator ENSIGN. These companies were identified as NV ENERGY and ALLEGIANT AIR. Moreover, both companies were known to possess a long-standing relationships with U.S. Senator ENSIGN's office as prominent businesses operating in Nevada.



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According to documents and interviews obtained by the New York Times, [REDACTED] immediately began lobbying U.S. Senator ENSIGN's office. NV ENERGY and ALLEGIANT AIR each paid [REDACTED] per month in consulting fees for his consulting services. [REDACTED] lobbying efforts caused U.S. Senator ENSIGN to play a significant role in providing both companies with assistance in promoting their business agendas in Washington.

Federal law prohibits former high-level staffers from lobbying any U.S. Senator or member of their staff for one (1) year after terminating their employment from the United States Senate. Moreover, federal law requires a lobbyist to register with the Secretary of the Senate within forty-five (45) days of becoming employed or retained by a company/entity for the purpose of making a lobbying contact.

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To: Criminal Investigative From: Washington Field
Re: 58C-WF-NEW, 10/19/2009

Recently, [redacted] publically stated that he and U.S. Senator ENSIGN were well-aware of the lobbying restrictions and applicable laws, but purposely chose to ignore them. This had to be done in order for U.S. Senator ENSIGN to convince [redacted] respective clients to do business with NOVEMBER INCORPORATED. Without access to U.S. Senator ENSIGN and his office, respective clients would not have agreed to do business with [redacted]

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Publically-available records further revealed that [redacted] failed to register as a lobbyist with the necessary entity as required by federal law. When asked about this, [redacted] publically stated that it was NOVEMBER INCORPORATED's responsibility to register him as a lobbyist and the company failed to do so. [redacted] also related that he never insisted that the company register him as lobbyist because doing so would have shown that [redacted] was engaged in illegal lobbying contacts on Capitol Hill.

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REQUISITE PREDICATION / STATEMENT OF PURPOSE:

The information documented within this Electronic Communication (EC) provides the necessary predication and "articulable factual basis" that an activity has occurred which constitutes the commission of a federal crime. As such, the [redacted] is warranted and justified.

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The purpose of this [redacted] is to determine if U.S. Senator ENSIGN, [redacted] and others entered into a conspiracy to violate federal criminal statutes restricting certain lobbying practices; and whether U.S. Senator ENSIGN deprived his constituents of their right to honest services by using his official position as part of a concerted effort to keep [redacted] from publically revealing his affair with [redacted]

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This [redacted] will also attempt to determine if U.S. Senator ENSIGN violated applicable campaign finance laws by disguising a \$96,000.00 severance payment to the [redacted] as a "tax-free gift" in order to avoid publically disclosing the payment through mandatory filings with the United States Federal Election Commission (FEC).

It should be noted that Washington Field Division considers this [redacted] as described in DIOG Section 10.2(A).

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To: Criminal Investigative From: Washington Field
Re: 58C-WF-NEW, 10/19/2009

This is due to the alleged involvement of an elected Domestic
Public Official in criminal activity, namely U.S. Senator ENSIGN.

PROSECUTORY OPINION:

Referral/Consult

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To: Criminal Investigative From: Washington Field
Re: 58C-WF-NEW, 10/19/2009

LEAD(s) :

Set Lead 1: (Action)

CRIMINAL INVESTIGATIVE

AT WASHINGTON, DC

This communication provides notification to
FBIHQ/Criminal Investigative Division/Public Corruption Unit of
the [REDACTED]

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This communication also directs FBIHQ/Criminal
Investigative Division/Public Corruption Unit to notify the
United States Department of Justice (DOJ) of the initiation of
captioned criminal investigation as mandated by the Domestic
Investigations and Operations Guide (DIOG) Section 7.7(A)(3)(a).

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U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Washington Field Office
Northern Virginia Resident Agency

October 19, 2009

UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
FORMER SENATORIAL STAFF MEMBER;
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH

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Captioned investigation is predicated on information publically reported in the 10/02/2009 edition of the New York Times newspaper and forwarded to the Federal Bureau of Investigation (FBI) by Citizens for Responsibility and Ethics In Washington (CREW), a non-profit political watchdog group. This matter will be investigated by Special Agents assigned to the FBI's Washington Field Office.

For the way of background, U.S. Senator John E. Ensign(R-Nevada) is a sitting member of the United States Senate. U.S. Senator Ensign was first elected to the United States Senate in 11/2000 and was re-elected to his second term circa 11/2006. U.S. Senator Ensign currently serves as a ranking member on several congressional committees and previously served as Chairman of the National Republican Senatorial Committee (NRSC) between 11/2006 and 11/2008.

On 06/16/2009, U.S. Senator Ensign publicly announced that he had engaged in an extramarital affair with an unnamed former campaign aide. This unnamed campaign aide was later publically identified as Mrs. Cynthia L. Hampton. Mrs. Hampton simultaneously served as Treasurer of U.S. Senator Ensign's senatorial re-election committee and leadership Political Action Committee (PAC) between 2007 and 2008. In 05/2008, U.S. Senator Ensign fired Mrs. Hampton from her position with his political committees.

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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Immediately prior to becoming Political Director for the NRSC, [redacted] November Incorporated, a political consulting company. Between 2002 and 2007, [redacted] served as U.S. Senator Ensign's top fund-raiser and political consultant through his work at November Incorporated. This company went dormant in 2007 when [redacted] assumed his position with the NRSC at U.S. Senator Ensign's recommendation.

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After discussing [redacted] employment options with U.S. Senator Ensign, [redacted] agreed to re-activate November Incorporated in order to employ [redacted] and provide him with

the necessary political support to start a small government affairs practice. U.S. Senator Ensign and [redacted] subsequently met with [redacted] in order to present him with this business opportunity.

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In 05/2008, [redacted] began working at November Incorporated. Documents and e-mails obtained by the New York Times indicate that two (2) companies immediately retained [redacted] services after being personally contacted by U.S. Senator Ensign. These companies were identified as NV Energy Incorporated and Allegiant Air Incorporated. Moreover, both companies were known to possess a long-standing relationships with U.S. Senator Ensign's office as prominent businesses operating in Nevada.

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According to documents and interviews obtained by the New York Times, [] immediately began lobbying U.S. Senator Ensign's office. NV Energy Incorporated and Allegiant Air Incorporated each paid [] per month in consulting fees for his consulting services. [] lobbying efforts caused U.S. Senator Ensign to play a significant role in providing both companies with assistance in promoting their business agendas in Washington.

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Federal law prohibits former high-level staffers from lobbying any U.S. Senator or member of their staff for one (1) year after terminating their employment from the United States Senate. Moreover, federal law requires a lobbyist to register with the Secretary of the Senate within forty-five (45) days of becoming employed or retained by a company/entity for the purpose of making a lobbying contact.

[] has publically stated that he and U.S. Senator Ensign were well-aware of the lobbying restrictions and applicable laws, but purposely chose to ignore them. This had to be done in order for U.S. Senator Ensign to convince [] [] respective clients to do business with him. Without access to U.S. Senator Ensign and his office, respective clients would not have never agreed to do business with []

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Publically-available records further revealed that [] [] failed to register as a lobbyist with the necessary entity as required by federal law. When asked about this, [] [] publically stated that it was November Incorporated's responsibility to register him as a lobbyist and the company failed to do so. [] also related that he never insisted that the company register him as lobbyist because doing so would have shown that [] was engaged in illegal lobbying contacts on Capitol Hill.

Referral/Consult

CREW | citizens for responsibility and ethics in washington

October 6, 2009

Joseph Persichini, Jr.
Assistant Director in Charge
FBI Washington Field Office
601 4th Street, N.W.
Washington, D.C. 20535

BY FAX: 202-278-2478

Dear Assistant Director Persichini:

Following up on my July 20, 2009 letter, Citizens for Responsibility and Ethics in Washington ("CREW") would like to bring some additional information regarding the conduct of Senator John Ensign (R-NV) to your attention.

Additional Facts

On Friday October 2, 2009, the *New York Times* published a lengthy article about Sen. Ensign's efforts to assist Doug and Cynthia Hampton after his affair with Ms. Hampton ended. Sen. Ensign persuaded Mike Slanker, who owns the political consulting firm November Inc., to hire Mr. Hampton as a consultant and also asked several donors to hire Mr. Hampton as their lobbyist. Then, at Mr. Hampton's request, Sen. Ensign and his staff intervened with federal regulators on behalf of Mr. Hampton's clients. Eric Lichtblau and Eric Lipton, Senator's Aid After Affair Raises Flags Over Ethics, *New York Times*, October 2, 2009 (attached as Exhibit A).

In late February 2008, upon being informed by Sen. Ensign that Mr. Hampton wanted to return to Nevada, Mr. Slanker suggested that his dormant fundraising and political consulting firm, November Inc., could be revived, giving Mr. Hampton a base from which to start a government affairs practice. *Id.* As part of the arrangement, Sen. Ensign agreed to help line up several clients that would pay Mr. Hampton enough to match or exceed his \$144,000 Senate salary. *Id.* Mr. Hampton provided the *New York Times* with notes he took regarding the agreement he had reached with Sen. Ensign. The two men agreed Mr. Hampton would remain in Sen. Ensign's employ through April, "Better for client building," and Sen. Ensign would "continue" his efforts on that front. See Record of Discussions with John Ensign, April 2, 2008, noon (attached as Exhibit B).

In the summer of 2008, Sen. Ensign contacted Michael Yakira, the chief executive of NV Energy, the largest power company in Nevada, asking the company to hire Mr. Hampton. After meeting Mr. Hampton, Mr. Yakira agreed and hired Mr. Hampton to do "lobbying coordination" of federal officials for \$5,000 a month. *Id.* Once hired, Mr. Hampton strategized with John Lopez, Sen. Ensign's chief of staff, about how the senator could intervene with the Department of the Interior to convince the department to finish an environmental assessment of a proposed \$5 billion coal-burning plant. Lichtblau and Lipton, *New York Times*, Oct. 2, 2009. In November 2008, Sen. Ensign sent a letter to Interior Department Secretary Dirk Kempthorne reiterating his position that the project was good for Nevada and urging the department to

Assistant Director Joseph Persichini, Jr.
October 6, 2009
Page Two

publish the report. *Id.* Mr. Hampton followed up with Mr. Lopez in December, still seeking the report's release and Mr. Lopez responded the same day indicating he would "call again today." *Id.* Mr. Lopez asked Interior Department Director of Congressional Affairs Matthew C. Eames to make inquiries, which he did. *Id.* Five days after the email exchange between Mr. Hampton and Mr. Lopez the environmental impact statement was signed. *Id.*

Sen. Ensign also contacted Maurice J. Gallagher, Jr., the chief executive of Allegiant Air, and several other Nevada industry leaders seeking work for Mr. Hampton. *Id.* While many contacted did not hire Mr. Hampton, Allegiant Air did, also at a cost of \$5,000 a month paid to November Inc. At the time, Allegiant Air was under investigation by the Department of Transportation for deceptively adding convenience fees to tickets sold over the internet. Mr. Hampton asked Mr. Lopez to have Sen. Ensign contact then-Transportation Secretary Mary E. Peters to object to the investigation. *Id.* Mr. Hampton also worked with Sen. Ensign's office to arrange a March 2009 meeting between Mr. Gallagher and new Transportation Secretary Ray LaHood. Sen. Ensign called Mr. LaHood to request the meeting, which took place on March 11th and included Mr. Hampton. The same day, Sen. Ensign, Mr. Gallagher, Mr. Lopez and Mr. Hampton lunched together in the Senate Dining Room. Mr. Hampton also set up meetings for Allegiant Air with five other senators, including Sen. Tom Coburn (R-OK).

Sen. Ensign also agreed to provide severance of one year's salary to Ms. Hampton after she left her positions with his campaign committee and political action committee. In June 2009, Mr. Hampton publicly revealed that Ms. Hampton had received a severance payment. In July, however Sen. Ensign's lawyer Paul Coggins, contradicted Mr. Hampton, claiming Sen. Ensign's parents had made gifts to the Hamptons and two of their children. The payments, Mr. Coggins stated, "were made as gifts, accepted as gifts and complied with the tax rules governing gifts." Statement of Paul Coggins, July 9, 2009.

In reality, Mr. Hampton's contemporaneous notes of a conversation he had with Sen. Ensign indicate the senator agreed to provide Ms. Hampton with severance. On April 2, 2009, Mr. Hampton and Sen. Ensign had three separate telephone conversations. The first took place at 9:40 am, during which four matters were briefly discussed: an exit plan and severance for Ms. Hampton, an exit plan and severance for Mr. Hampton, a communications plan and that Sen. Ensign was to have no further contact with Ms. Hampton. See Record of Discussions with John Ensign, April 2, 2008. At noon the same day, Sen. Ensign called Mr. Hampton back to discuss the communications plan, that Mr. Hampton would go to work for November Inc., and the senator would help him acquire clients. Sen. Ensign claimed he would begin working on the "other issues." *Id.* Sen. Ensign shared with Mr. Hampton his plan for he and his wife to write checks totaling \$96,000. *Id.* During the final conversation for the day, at 7:30 pm, Sen. Ensign agreed to provide Mr. Hampton with two months' severance and continue client building for him, and the senator agreed to provide Ms. Hampton with one year's salary in severance. *Id.* The senator discussed gift rules and tax law and shared his plan for both he and his wife to write checks to the Hamptons in various amounts equaling \$96,000. *Id.*

Assistant Director Joseph Persichini, Jr.
October 6, 2009
Page Three

Legal Violations

As you know, 2 U.S.C. § 1603(a)(1) requires a lobbyist to register with the Secretary of the Senate or Clerk of the House no more than 45 days after he or she first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier. Knowingly and corruptly failing to register is a felony punishable by up to five years' imprisonment. 2 U.S.C. § 1606(b). In addition, high level Senate aides are barred from lobbying the Senate for one year after they leave their Senate employment. 18 U.S.C. § 207(e)(2). A willful violation of this ban is a felony punishable by up to five years in jail. 18 U.S.C. § 216(a)(2). Finally, if two or more individuals conspire to commit a federal felony, including conspiring to violate the lobbying ban, those individuals also have committed a crime punishable by up to five years in jail. 18 U.S.C. § 371.

Mr. Hampton claimed it was November Inc.'s responsibility to register him as a lobbyist, but said he did not ask the company to do so because it would have been obvious he was violating the ban's restriction on lobbying his former office. Mr. Hampton also admitted he and Sen. Ensign were aware of the one-year lobbying ban, but chose to ignore it. Lichtblau and Lipton, *New York Times*, Oct. 2, 2009. Mr. Hampton said, "The only way the clients could get what John [Ensign] was essentially promising them – which was access – was if I still had a way to work with his office . . . And John knew that." It was Sen. Ensign who worked with Mr. Slanker to secure a position for Mr. Hampton as a lobbyist, and it was Sen. Ensign who secured at least two clients, NV Energy and Allegiant Air, for Mr. Hampton. Sen. Ensign also advised Mr. Hampton to work with his chief of staff, Mr. Lopez, and Mr. Lopez agreed the senator had, indeed, instructed him to work with Mr. Hampton. Mr. Lopez also admitted that Mr. Hampton had lobbied Sen. Ensign's office on behalf of his clients. Finally, when Mr. Hampton lobbied Senator Ensign's office on behalf of the clients Sen. Ensign had secured for him, the senator and Mr. Lopez both contacted other federal officials to assist Mr. Hampton's clients.

Thus, the evidence is quite clear that Mr. Hampton knowingly failed to register as a lobbyist and willfully violated the one-year restriction on lobbying his former office. Sen. Ensign (and perhaps Mr. Lopez and Sen. Coburn) may well have engaged in criminal conspiracy by overtly assisting Mr. Hampton to lobby his office.

In addition, members of Congress are prohibited from depriving their constituents, the House of Representatives, and the United States of the right of honest service, including conscientious, loyal, faithful, disinterested, unbiased service, performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud and corruption. 18 U.S.C. §§ 1341, 1346. If Sen. Ensign contacted federal officials on behalf of Mr. Hampton and his clients not because it benefitted the people of Nevada or the citizens of the United States, but rather as part of his concerted effort to keep Mr. Hampton from revealing the senator's affair with Ms. Hampton, Sen. Ensign may have committed honest services fraud.

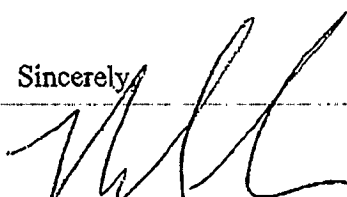
Finally, CREW's original letter to you of July 20, 2009 requested an investigation into the severance payment made to Ms. Hampton as a possible criminal violation of campaign

Assistant Director Joseph Persichini, Jr.
October 6, 2009
Page Four

finance law, under which it is a felony to fail to report contributions aggregating over \$25,000 in a calendar year. 2 U.S.C. § 437g(d)(1)(A)(i). The *New York Times* article and the contemporaneous notes Mr. Hampton took of his conversation with Sen. Ensign provide compelling evidence that the \$96,000 was, in reality, a severance payment that had to be reported to the Federal Election Commission. That Sen. Ensign had his parents make the payment and structured it to comply with gift rules does not change the payment's true character: it was made as compensation for Ms. Hampton's termination from the campaign and political action committees. It appears that Sen. Ensign called the \$96,000 a gift to avoid having to report – and therefore possibly explain – the payment.

Members of Congress are not above the law yet Sen. Ensign's conduct throughout this tawdry incident suggests he believes laws pertaining to campaign finance, lobbying restrictions, and conspiracy do not apply to him. The Department of Justice has a responsibility to ensure our nation's laws apply equally to everyone. As a result, CREW respectfully requests that the FBI immediately commence an investigation into this matter if it has not done so already.

Sincerely,



Melanie Sloan
Executive Director

Encls.

cc: William M. Welch, II
Chief, Public Integrity Section

10/06/2009 12:34

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.CREW

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EXHIBIT A

The New York Times

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October 2, 2009

Senator's Aid After Affair Raises Flags Over Ethics

By ERIC LICHTBLAU and ERIC LIPTON

WASHINGTON — Early last year, Senator John Ensign contacted a small circle of political and corporate supporters back home in Nevada — a casino designer, an airline executive, the head of a utility and several political consultants — seeking work for a close friend and top Washington aide, Douglas Hampton.

“He’s a competent guy, and he’s looking to come back to Nevada. Do you know of anything?” one patron recalled Mr. Ensign asking.

The job pitch left out one salient fact: the senator was having an affair with Mr. Hampton’s wife, Cynthia, a campaign aide. The tumult that the liaison was causing both families prompted Mr. Ensign, a two-term Republican, to try to contain the damage and find a landing spot for Mr. Hampton.

In the coming months, the senator arranged for Mr. Hampton to join a political consulting firm and lined up several donors as his lobbying clients, according to interviews, e-mail messages and other records. Mr. Ensign and his staff then repeatedly intervened on the companies’ behalf with federal agencies, often after urging from Mr. Hampton.

While the affair made national news in June, the role that Mr. Ensign played in assisting Mr. Hampton and helping his clients has not been previously disclosed. Several experts say those activities may have violated an ethics law that bars senior aides from lobbying the Senate for a year after leaving their posts.

In acknowledging the affair, Mr. Ensign cast it as a personal transgression, not a professional one. But an examination of his conduct shows that in trying to clean up the mess from the illicit relationship and distance himself from the Hamptons, he entangled political supporters, staff members and Senate colleagues, some of whom say they now feel he betrayed them.

For example, a longtime fund-raiser who came through with help says Mr. Ensign misled him about why Mr. Hampton needed a new job. The senator also put his chief of staff at the time, who had raised concerns that Mr. Hampton's activities could be problematic, in charge of dealing with him.

And Mr. Ensign allowed Senator Tom Coburn, a friend and fellow conservative Christian, to serve as an intermediary with the Hamptons in May in discussing a large financial settlement, to help them rebuild their lives.

"John got trapped doing something really stupid and then made a lot of other mistakes afterward," Mr. Coburn, Republican of Oklahoma, said in an interview. "Judgment gets impaired by arrogance, and that's what's going on here."

In a statement, Mr. Ensign said: "I am confident we fully complied with the relevant laws and rules governing current and past employees. I have worked on these Nevada issues with these Nevada companies for years, long before Doug Hampton left my office."

The senator declined to be interviewed. But his office said that the inquiries he had made about work for Mr. Hampton were "only recommendation calls" and that the senator's actions in support of his former aide's clients were "not at the behest of Mr. Hampton."

Mr. Hampton and his wife, in a series of interviews, provided a detailed account of Mr. Ensign's efforts to mitigate the fallout from the affair, which ruptured two families that had been the closest of friends.

Mr. Hampton said he and Mr. Ensign were aware of the lobbying restriction but chose to ignore it. He recounted how the senator helped him find clients and ticked off several steps Mr. Ensign took to assist them with their agendas in Washington, activities confirmed by federal officials and executives with the businesses.

"The only way the clients could get what John was essentially promising them — which was access — was if I still had a way to work with his office," Mr. Hampton said. "And John knew that."

After requests from Mr. Hampton, Mr. Ensign called the secretary of transportation last year to plead the case for a Nevada airline, Allegiant Air, which was under investigation for allegedly overcharging for tickets. In April, he arranged for Mr. Hampton and his clients to meet the new transportation secretary in a successful effort to resolve a dispute with a foreign competitor.

The senator, after exchanges between his senior staff members and Mr. Hampton, also urged Interior Department officials to complete an environmental review for a controversial coal-burning plant under development by a Nevada power company, NV Energy.

Despite those efforts, Mr. Ensign's relationship with his one-time aide and the husband of his former mistress has ended in bitterness and recriminations. Mr. Hampton grew increasingly frustrated about his financial situation, believing that the senator had reneged on a deal to find him enough clients to sustain his income.

"You have not retained three clients for me as promised, and your poor choices have led to a deep hurt and financial impact to my family," Mr. Hampton wrote the senator in an e-mail message in July 2008. "At your request and your design, I left your organization to save your reputation and career, and mine has been ruined."

For his part, Mr. Ensign has complained that Mr. Hampton tried to extract exorbitant sums from him.

Until he admitted the affair in June, Mr. Ensign, 51, was a top Senate Republican leader and was discussed as a possible presidential contender in 2012. The silver-haired senator with a statesman's looks and family money — his father helped found a Las Vegas casino — has championed conservative social values.

But the scandal forced him to resign as head of the Republican Senate Policy Committee and ended talk of any bid for the White House.

Mr. Ensign spent part of the summer apologizing to constituents. Drawing a contrast with former President Bill Clinton, whom he had voted to impeach as a House member during the Monica Lewinsky affair, Mr. Ensign said in August that his infidelity was largely a personal matter and added, "I haven't done anything legally wrong."

Longtime Family Friends

The Ensigns and the Hamptons had been friends going back to their time together in Southern California in the 1980s, when John Ensign was just starting out as a veterinarian and had not yet begun to consider a life in politics. Darlene Ensign, the senator's wife, and Cynthia Hampton had known each other growing up there.

The families were so close that in 2004 the Ensigns persuaded the Hamptons to move to their expensive Las Vegas neighborhood. They traveled to Hawaii and Puget Sound aboard the jet owned by Mr. Ensign's father, watched their children's sporting events together and shared regular Sunday dinners.

In 2006, the senator hired Mr. Hampton as a top aide — effectively, his co-chief of staff — in a move that irritated some staff members, who thought Mr. Hampton's friendship with the senator and his background at a military contractor did not qualify him for the senior post. Mr. Ensign also hired Cynthia Hampton as his campaign treasurer.

The Hamptons were such a fixture in the Ensigns' lives that it raised no eyebrows when the senator took Ms. Hampton to Washington galas. Ms. Ensign did not like Washington much, associates said, and lived in Nevada.

At a black-tie Christmas party at the White House in 2006, Mr. Ensign and Ms. Hampton beamed as they posed for a picture with President George W. Bush and his wife, Laura. It was that night that he realized that his feelings toward Ms. Hampton had become romantic, Mr. Ensign later admitted to Mr. Hampton, according to Mr. Hampton.

A year later, during what Mr. Ensign said was a difficult time in his marriage, Mr. Hampton intercepted a text message from his boss to his wife that made plain that their relationship had become intimate. "It was such a betrayal," Mr. Hampton said.

There were heated confrontations, tearful admissions, promises to end the affair, even joint family meetings that included the couples' children. Still, the relationship continued.

During a February 2008 Congressional trip to Iraq, Mr. Ensign called Ms. Hampton almost every morning and night. She said that when the phone bill came to Mr. Ensign's campaign office, he gave her almost \$1,000 in cash to cover the calls. Mr. Ensign's office confirmed that the senator gave Ms. Hampton "enough cash to cover the personal charges." (On the trip, Mr. Hampton said he noticed frequent calls from Mr. Ensign's cellphone to "Aunt Judy" — at his wife's number.)

That month, Mr. Hampton decided to take stronger steps to end the affair. He and Mr. Ensign shared a strong Christian faith, and often attended prayer meetings at a Capitol Hill house where Mr. Ensign, Mr. Coburn and other lawmakers lived. The house, on C Street, is affiliated with the Fellowship Foundation, a Christian outreach group influential with conservatives in Congress.

Mr. Hampton went to several group leaders. On Valentine's Day, they confronted Mr. Ensign during lunch at the house. Mr. Hampton, yelling at times, was there, too. Mr. Coburn, an ordained deacon, took the lead in questioning Mr. Ensign, who acknowledged that Mr. Hampton's accusation was true.

"I said, 'No. 1, you're having an affair, and you need to stop,'" Mr. Coburn recounted. The senator said he also advised Mr. Ensign to make the affair public and to work to reconcile the two families.

Mr. Coburn warned Mr. Ensign that if the affair did not end, he would "go to Mitch" — referring to Mitch McConnell, the Republican Senate leader, Mr. Hampton said.

At the urging of foundation leaders, Mr. Ensign agreed to write a goodbye letter to Cynthia Hampton and send it by overnight mail. "What I did with you was a mistake," he wrote in longhand. "I was completely self-centered and only thinking of myself. I used you for my own pleasure."

But immediately after the confrontation, the senator called Ms. Hampton and told her to disregard the letter, Ms. Hampton said. The relationship would continue for six more months.

Work After Washington

The senator soon began developing an exit strategy to quietly move Doug Hampton out of his life.

Senate Republicans were facing a tough challenge in 2008, and Mr. Ensign, as chairman of the National Republican Senatorial Committee, was charged with raising tens of millions of dollars to help bankroll vulnerable Republican incumbents and elect newcomers.

During an afternoon of fund-raising meetings in late February 2008, Mr. Ensign confided in Michael Slanker, the group's political director, that Mr. Hampton was unexpectedly leaving his Washington office to return to Nevada.

There was no mention of the affair. Instead, Mr. Ensign told Mr. Slanker that Ms. Hampton was ill, and that her husband was weary of flying back and forth between Las Vegas and Washington, Mr. Slanker recalled. (Those explanations were "all untruths," he said he learned later.)

Within minutes, the senator and Mr. Slanker came up with an idea.

Michael Slanker had made more than \$500,000 in the prior five years working for what he called "Ensign Inc." serving as Mr. Ensign's top fund-raiser and political consultant. The company Mr. Slanker and his wife had formed to help run these campaigns, November Inc., had become dormant after the couple moved to Washington to help Mr. Ensign run the Republican committee in 2007.

Mr. Slanker said he proposed that the firm could be revived, giving Mr. Hampton a well-known base in Nevada political circles to start a small government affairs practice. That afternoon, the senator and Mr. Slanker met with Mr. Hampton.

"Whatever clients you can get — you can eat what you kill," Mr. Slanker recalled telling Mr. Hampton of the deal.

As part of the arrangement, Mr. Ensign also agreed to help line up three or four clients who would pay Mr. Hampton enough to match or surpass his \$144,000 Senate salary as an administrative assistant, Mr. Hampton said. His account is corroborated, in part, by e-mail messages Mr. Hampton sent to the senator that spring, and by a work plan that Mr. Slanker and Mr. Hampton prepared.

Soon after, Mr. Ensign called the Hamptons separately. Cynthia Hampton, he said, would have to leave her \$48,000 a year campaign job, while her husband would have to quit as planned. But as severance, the senator said he and his wife would give the Hamptons a check for about \$100,000, Ms. Hampton said.

Mr. Ensign's lawyer in June, however, called the \$96,000 payment that was ultimately made a tax-free gift from Mr. Ensign's parents to the Hamptons "out of concern for the well-being of longtime family friends during a difficult time."

Mr. Hampton's notes from the phone conversation with Mr. Ensign — sketched on a Senate notepad — made clear that they had agreed on one other condition.

"No contact what so ever with Cindy!"

Phone Calls and Letters

NV Energy, the largest power company in Nevada, had a problem in the summer of 2008. The utility had been waiting more than a year for the Interior Department to finish an environmental assessment of a proposed \$5 billion coal-burning plant.

The company figured that if Mr. Bush left office without the environmental report's being approved, the entire project could be stalled indefinitely. Nevada Democrats, including Senator Harry Reid, the majority leader, had spoken out against the plan.

That is where Mr. Hampton came in.

Weeks earlier, Mr. Ensign had contacted Michael Yakira, the chief executive of NV Energy, and inquired about work for Mr. Hampton, the company acknowledged in an e-mail

message. The company and its executives were reliable supporters of the senator, contributing more than \$50,000 to his political causes over the previous five years. After Mr. Yakira met with Mr. Hampton, the company hired him, through November Inc., to do "lobbying coordination" of federal officials, according to a copy of the contract.

Interviews show that the senator also spoke with other Nevada power brokers, including Maurice J. Gallagher Jr., the chief executive of Allegiant Air, the Las Vegas-based discount airline; Bob Andrews, a financial industry executive; Sig Rogich, a prominent Republican consultant; and Paul Steelman, a casino architect and developer. In the conversations, Mr. Ensign did not specify what type of work Mr. Hampton might perform, but the executives he contacted said he had made it clear that Mr. Hampton would be well suited for consulting that drew on his Senate experience.

Mr. Steelman said that, in the midst of a phone conversation in which he was seeking Mr. Ensign's help on a casino dispute, the senator mentioned Mr. Hampton and asked if the developer might have business for him as a lobbyist or consultant.

"He knows I have a lot of clients throughout the world," Mr. Steelman said in an interview.

He did not end up enlisting Mr. Hampton, but NV Energy and Allegiant Air did, each agreeing to \$5,000-a-month contracts through November Inc., company documents and interviews show.

The senator had a record of assisting Allegiant and NV Energy, both major employers in his state. His office, for example, had helped the airline resolve questions raised by the Securities and Exchange Commission in 2006, before the airline went public, and urged federal regulators in 2005 to approve NV Energy's plan to buy an electric power plant outside Las Vegas.

Still, a review of the records and interviews shows that Mr. Hampton, in coordination with Mr. Ensign and his staff, played a significant role in pushing the companies' agendas in Washington.

With NV Energy, for instance, Mr. Hampton spent the summer of 2008 strategizing with John Lopez, the senator's chief of staff, about how Mr. Ensign could intervene with the Interior Department to get the coal-plant report completed, Mr. Hampton said.

In November 2008, Mr. Ensign wrote to the Interior Department secretary at the time, Dirk Kempthorne, restating his longstanding view that the project was good for Nevada and urging the agency to publish the report.

Mr. Hampton followed up the next month with an e-mail message to Mr. Lopez, still trying to get the report released. The delay "is really hurting Nevada," he wrote.

Mr. Lopez responded the same day. "I have been pounding Interior and can't figure why this hasn't come out," his e-mail message said. "I'll call again today."

Mr. Lopez asked Matthew C. Eames, the department's director of Congressional affairs, to make inquiries. Mr. Eames, in an interview, said after that hearing repeatedly from Mr. Ensign's office, he contacted half a dozen Interior Department officials in Nevada and Washington to urge them to issue the report.

Five days after the e-mail exchange between Mr. Hampton and Mr. Lopez — on Dec 17, 2008 — the environmental impact statement was signed. (NV Energy has since put the coal plant project on hold.)

Mr. Ensign's office said that his intervention on behalf of the utility reflected his support for the plant. The senator "has been working on this specific issue for a long time before Doug Hampton was a lobbyist," according to Mr. Ensign's statement.

Senate ethics rules and federal criminal law prohibit former aides, if they have "the intent to influence," from making "any communication to or appearance" with any senator or Senate staff member for a year after leaving their jobs. A separate law required Mr. Hampton to register as a lobbyist if he intended to press a company's case on Capitol Hill.

Congress in 2007 toughened ethics laws to make failure to file as a lobbyist a criminal offense. Prosecutors have used the 12-month lobbying ban to bring criminal charges in several corruption cases, including the 2006 conviction of Bob Ney, then a Republican congressman from Ohio.

Mr. Hampton, who believed that Mr. Ensign's help with his clients was crucial to his success, admitted he had ignored the restrictions. He said that it was November Inc.'s responsibility to register him as a lobbyist, but he added that he did not insist the company do so because it would have made obvious that he was making inappropriate contacts on Capitol Hill. As for violating the one-year ban, he said he did so at Mr. Ensign's direction.

"Work with Lopez," Mr. Hampton said the senator told him. "I will take care of Lopez. I will make sure Lopez gives you what you need."

Mr. Lopez agreed that Mr. Ensign instructed him to work with Mr. Hampton, but offered a different explanation.

He said that after he had raised concerns about Mr. Hampton's requests, Mr. Ensign responded by designating him to be the office's intermediary with Mr. Hampton to ensure that the contacts complied with the law.

Mr. Lopez, who left Mr. Ensign's office last month, also said his conversations with Mr. Hampton were simply "informational."

"Did Doug advocate and try to lobby in a couple of instances?" Mr. Lopez asked. "Absolutely. But that's his problem."

Several legal experts said, however, that the communications between Mr. Ensign's office and Mr. Hampton might have been improper. If Mr. Ensign knew that Mr. Hampton was lobbying his office and facilitated the arrangement, he could face an inquiry, said Stan Brand, a former House general counsel who specializes in government ethics issues.

"You can't advise someone to do something against the law and not run into trouble on that," Mr. Brand said.

Mr. Hampton also turned to Mr. Ensign to intervene in disputes involving Allegiant Air, whose chief executive had donated \$60,000 to the senator's political causes over the previous five years.

The company was under investigation by the Department of Transportation last year for deceptively tacking on a "convenience fee" on tickets sold over the Internet. Mr. Hampton asked Mr. Lopez to have Mr. Ensign call the transportation secretary at the time, Mary E. Peters, to object to the investigation, or at least to get a status report on the inquiry. (Ms. Peters confirmed that the conversation occurred.) The appeal failed, and half of a \$50,000 fine was suspended.

In his statement, Mr. Ensign's office said that he had spoken to Mr. Gallagher, Allegiant's chief executive, about the airline's concerns before calling Ms. Peters and that he did not act specifically in response to Mr. Hampton's requests.

Mr. Hampton also worked with Mr. Ensign's office to arrange a March 2009 meeting between Mr. Gallagher and the new transportation secretary, Ray LaHood. Mr. Gallagher, who is chairman of an airline association, was seeking to challenge a contract that Air Canada had won to provide transportation to professional American sports teams. (Eventually, Air Canada was forced by the department to make changes in its charter practices that Mr. Gallagher had requested.)

Mr. Ensign requested the session in a phone call to Mr. LaHood, a former House Republican colleague, transportation officials said. The department described the March 11 meeting — with Mr. Hampton in attendance — as part of a series of courtesy visits with airline executives. The agency acknowledged that the Air Canada dispute was discussed.

The same day as the Transportation Department meeting, Mr. Ensign and Mr. Gallagher had lunch in the Senate Dining Room, with Mr. Hampton and Mr. Lopez joining them. Mr. Hampton also set up meetings for Allegiant with five other senators on Capitol Hill, including Mr. Coburn.

Mr. Coburn said he realized only when asked about it that his meeting with Mr. Hampton might have violated the one-year lobbying moratorium. "It was wrong," Mr. Coburn said.

Allegiant Air and November Inc. also said they were unaware of any possible legal issues until asked recently, and said they would consult their lawyers to determine if corrective action was needed.

Mr. Slanker, at November Inc., said that if his company was part of improper lobbying efforts, "I'm going to make it right." The whole situation, he added, "makes me sick to my stomach."

Going Public

Months after Mr. Hampton discovered the affair, he and his wife began seeing a counselor to salvage their marriage. But Mr. Hampton said he became increasingly embittered toward Mr. Ensign over the "destruction" the infidelity had caused.

By July 2008, Mr. Hampton said he was worried about his finances, since the senator had helped him get only two clients. The next month, Mr. Hampton secured a full-time position at Allegiant Air that paid as much as \$225,000 a year. But he said he still felt he was in a precarious position because of his reliance on the senator for access in Washington. "I couldn't keep living a lie," he said.

So in April, he hired a lawyer, Daniel J. Albregts of Las Vegas. In an interview, Mr. Albregts said he believed the Hamptons might have a civil claim against Mr. Ensign over their dismissals from his staff and the consequences for their family.

That began a series of intense, though ultimately futile conversations intended to reach a financial settlement.

Mr. Hampton went back to Mr. Coburn, who offered to talk to Mr. Ensign about restitution for the Hamptons to help them relocate from Nevada. Mr. Coburn said he raised the issue with Mr. Ensign, who said, "I'll listen."

Mr. Albregts gave Mr. Coburn a figure: just under \$8.5 million, to cover purchase of the Hamptons' home, lost wages and "pain and suffering."

Mr. Coburn dismissed that as "ridiculous." Mr. Hampton came back with a lower number — about \$2 million, which Mr. Coburn passed on. Mr. Ensign flatly rejected the proposal.

"That's a joke; forget it," Mr. Coburn recalled Mr. Ensign saying.

The negotiations were over, but Mr. Hampton had a final card to play: publicity. Without telling his lawyer, he wrote a letter to Fox News on June 11 laying out the affair. That would lead to a hastily scheduled news conference days later, when Mr. Ensign would express regret over the "deep pain" he had caused both families.

Doug and Cynthia Hampton are both now out of work — Allegiant Air let him go because of the scandal, and his NV Energy contract expired this spring. The couple have put their house up for sale and hope to leave Las Vegas.

While several citizens' watchdog groups have called for an ethics investigation into Mr. Ensign's conduct, there are no signs of any active inquiries. Mr. Ensign's string of apologies and his back-to-business demeanor in the months since his news conference appear to have helped him ride out the political storm. Over the last week, he made the news again, for opposing a major element of President Obama's health care plans. References to the affair were no longer attached to his name.

Barclay Walsh contributed research.

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EXHIBIT B

Record of discussions with John Ensign

9:40 AM
4/2 DC

- Brief discussion with him on four matters
- Exit strategy and severance for Cindy
 - Exit strategy and severance for Doug
 - Communication plan
 - Absolutely no contact with Cindy
- He response was he understood

NOON
4/2 DC

- John called me on my cell from NRSC to discuss some details
- Communication plan - shared with me Coe plan - falling out
 - I shared wouldn't work but my ability to build Nov Inc govt affairs arm. - He agreed
 - I shared my idea of health plan - Cindy history
 - We discussed timing of departure JE agreed for me to stay on thru April - Better for client building - He offered to continue effort. He discussed (SPR, Rogich/Steelman, Reid)
 - Said he would go to work on the above issues

7:30 PM
4/2 LV

John called asked if it was ok to share the outlines of a plan

- Doug ~ 2 yr severance, continue client building
- Cindy ~ 1 year salary
- Discussed gift rules and tax law
- Shared a plan to have both he and Darlene write cks in various amounts equaling \$6K

He asked if the offer was ok and did I agree - I said I would need to think about and would get back with him.

10/06/2009 12:34

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CREW

PAGE 20/23

EXHIBIT C

10/06/2009 12:34

2025885020

CREW

PAGE 21/23

From: Doug Hampton [dhampton@
Sent: Friday, December 12, 2008 9:16 AM
To: Lopez, John (Ensign)
Subject: Draft EIS

Not FOIA redactions

John,

Hate to bring you back in the loop on this....certainly no fault of Brooke's but still no release on this request from DOI.
Can you shed some light or hope that this is going to happen?

Doug Hampton
November Inc.
Cell [REDACTED]
dhampton@[REDACTED]

From: Doug Hampton [dhampton@redacted]
Sent: Friday, December 12, 2008 9:25 AM
To: Lopez, John (Ensign)
Subject: RE: Draft EIS

Not FOIA redactions

Thanks John really appreciate it. The sadness to this issue is the Interconnect for the line transmission is tied up in this draft and is really all the Power Company is interested in moving on at this time. They realize that the Ely Coal Plants a part of it is on hold for sometime (not to mention impossible to get financing) but DOI is really hurting Nevada and it's ability to move (an aspect of this that even Reid really wants) forward on connecting the North and South. Maybe passing along this part of the message would be helpful.

From: Lopez, John (Ensign) [mailto:John_Lopez@redacted]
Sent: Friday, December 12, 2008 9:18 AM
To: Doug Hampton
Subject: RE: Draft EIS

Hi Doug. I have been pounding Interior and can't figure out why this hasn't come out....they said it would. I've been calling Kempthorne's top guy about this with no luck. I'll call again today.

JOHN P. LOPEZ
Chief of Staff
U.S. Senator John Ensign (R-Nev.)
119 Russell Senate Office Building
Washington, D.C. 20510-2805
[redacted] phone
[redacted] fax

From: Doug Hampton [dhampton@██████████]
Sent: Friday, December 12, 2008 9:20 AM
To: 'Sanchez, Tony'
Subject: FW: Draft EIS

Not FOIA redactions

Update....will keep you posted

From: Lopez, John (Ensign) [mailto:John_Lopez@██████████]
Sent: Friday, December 12, 2008 9:18 AM
To: Doug Hampton
Subject: RE: Draft EIS

Hi Doug. I have been pounding Interior and can't figure out why this hasn't come out....they said it would. I've been calling Kempthorne's top guy about this with no luck. I'll call again today.

JOHN P. LOPEZ
Chief of Staff
U.S. Senator John Ensign (R-Nev.)
119 Russell Senate Office Building
Washington, D.C. 20510-2805
██████████ phone
██████████ fax

@SIGN UP FOR ENSIGN'S WEEKLY UPDATE

From: Doug Hampton [mailto:dhampton@██████████]
Sent: Friday, December 12, 2008 12:18 PM
To: Lopez, John (Ensign)
Subject: Draft EIS

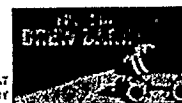
John,

Hate to bring you back in the loop on this....certainly no fault of Brooke's but still no release on this request from DOI.
Can you shed some light or hope that this is going to happen?

Doug Hampton
November Inc.
Cell ██████████
██████████

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October 7, 2009

Ensign Says He Won't Step Down

By ERIC LICHTBLAU and ERIC LIPTON

WASHINGTON — Even as fellow Republicans continued to withhold public support for him, Senator John Ensign of Nevada said Tuesday that he had done nothing improper on behalf of a former aide with whose wife he had an affair and that he would not resign his seat.

"No, definitely not," Mr. Ensign told a reporter outside his office when asked if he had any plans to step down in the face of political pressure.

Mr. Ensign's remarks were his first public comments on the controversy since The New York Times reported last week that he helped get lobbying jobs in 2008 for the former aide, Douglas Hampton, a longtime friend, and then intervened with government agencies on behalf of Mr. Hampton's corporate clients.

Those efforts by the senator followed his admission to Mr. Hampton of an affair with Mr. Hampton's wife, who also worked for Mr. Ensign, as campaign treasurer. They followed as well Mr. Ensign's removal of Mr. Hampton from his Senate staff, in an effort to contain damage that the affair had inflicted on both families.

Speaking briefly outside his Senate office when approached separately by reporters for CNN and The Times, Mr. Ensign declined Tuesday to discuss any specifics concerning the matter.

But he did say, "I feel very confident that when all of this stuff is thoroughly vetted that everything will work out just exactly like I said: that we complied strictly with all the rules and laws of the ethics of the Senate."

Since last week's disclosure, some watchdog groups have called for Mr. Ensign's resignation, and Republican leaders in Washington have been largely silent on his status within the party. The Senate Republican leader, Mitch McConnell of Kentucky, said last week that he would withhold comment on the Ensign matter except to note that "he continues to serve." Mr. McConnell's office again declined to comment Tuesday.

Legal experts say that if he condoned or facilitated Mr. Hampton's efforts to win intervention from him on behalf of clients, then Mr. Ensign may have violated a criminal law barring senior Congressional aides from lobbying their former bosses for a year after leaving their posts.

Mr. Ensign's office has said that any actions he took in support of Mr. Hampton's clients were "not at the behest of Mr. Hampton," but the Senate Ethics Committee has already begun examining the matter, and the Federal Bureau of Investigation is expected to do so as well.

Mr. Ensign indicated Tuesday that he did not believe that Mr. Hampton's communications with him amounted to lobbying or any other banned contact.

"You can talk to anybody," he said of the restrictions.

Asked about his intervention with federal agencies on behalf of two Hampton clients, Allegiant Air and NV Energy, Mr. Ensign told CNN, "I never met with Doug Hampton on any of that stuff."

Interviews and documents, however, show that Mr. Ensign had lunch in the Senate dining room in March with Mr. Hampton and executives from Allegiant Air to discuss aviation issues. That lunch took place on the same day that the airline executives, in a meeting arranged by Mr. Ensign, spoke with Transportation Secretary Ray LaHood about a dispute with a foreign carrier and other issues.

Mr. Ensign also intervened for Allegiant Air to resolve an investigation into the possibility of overcharging on the airline's Internet fares, and he pushed the Interior Department on behalf of NV Energy to make final an environmental review concerning a \$5 billion coal plant, the interviews and documents show.

Mr. Hampton had sought Mr. Ensign's help on all those issues.

For the last few weeks, Mr. Ensign has been helping lead Republican opposition to aspects of the Democrats' health care proposals.

"I am focused on doing my work," he said Tuesday when asked whether he had given any consideration to resigning. "And I'm going to continue to focus on doing my work."

Nancy Ernaout, who leads the Republican Party in Nevada, said questions about Mr. Ensign's status were "unfortunate." Ms. Ernaout said that the senator "does a good job" and that "he serves the state of Nevada well," adding, "There is a bit of a witch hunt on here."

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Las Vegas Sun
THE SENATOR'S SCANDAL:

Ensign likely in cross hairs of feds, ex-prosecutors say

Former Justice officials say charges wouldn't come for months

By **Richard A. Serrano (contact)**

Thursday, Oct. 8, 2009 | 2 a.m.

A year ago, a small, little-known cadre of lawyers at the Justice Department headquarters in Washington was in federal court prosecuting the rarest of prizes for a group devoted to ferreting out public corruption. The man standing trial was a sitting United States senator, and he eventually not only would be convicted but also would lose his bid for reelection after decades in the nation's capital.

Now, according to several former prosecutors who have worked in the unit, the Public Integrity Section has almost certainly set its sights on another sitting senator, John Ensign of Nevada, and either is completing an initial inquiry or has expanded the matter into a full-bore criminal investigation.

The sources said their former colleagues in the unit, created three decades ago in the wake of the Watergate scandal, would be seeking to determine whether Ensign and a former aide, Doug Hampton, violated federal law by skirting restrictions on conducting lobbying work less than a year after Hampton left Ensign's staff. If the investigation produces felony charges, Ensign and Hampton could face up to five years in prison.

"There's a good chance there is already an assistant U.S. attorney assigned to this case," said Guy Singer, who as part of Public Integrity Section helped prosecute the Capitol Hill corruption cases involving lobbyist Jack Abramoff.

"Basically you're opening an investigation where someone has made very clear allegations of potential criminal conduct," Singer added. "It's not a fishing expedition."

Joshua G. Berman, who also helped prosecute the Abramoff case when he worked in the Public Integrity Section, said he "wouldn't be surprised" if the matter has been cleared for a full investigation.

"Usually you do a very quick, preliminary look at the facts, maybe just the public record," Berman said. "Talk to some witnesses. See if there is enough to do a full investigation. And I wouldn't be surprised if they felt in this case there was enough predication for a full investigation. Theoretically, they could be there already."

Current Justice and FBI officials refused to comment on any ongoing reviews.

How the process works

The former prosecutors in separate interviews described how the process works inside the two-dozen-prosecutor unit and characterized the Ensign matter as a fairly simple case to put together. They said an

investigation could have been triggered any number of ways — including by curious agents watching the Ensign matter unfold this year, by Hampton himself or by people close to Hampton who contacted the government.

They said protocol would require a Justice Department supervisor, perhaps as high as the deputy attorney general's office, to sign off on a written brief for expanding an initial inquiry into a full criminal probe. They also said that Attorney General Eric Holder in all likelihood would be advised about the investigation — especially since the matter has received such intense media attention.

"You're talking about a senator as a target," Singer said.

Ensign has acknowledged that he carried on an extramarital affair with Hampton's wife, Cynthia. It also has been revealed that Ensign's parents paid the Hamptons \$96,000 when he left Ensign's staff.

Last week The New York Times reported allegations that Ensign helped Doug Hampton find work as a lobbyist and intervened with federal regulators to benefit Hampton's new clients. Federal law requires federal employees to wait at least a year before engaging in lobbying activities. Ensign has said little about his involvement, if any, in the alleged lobbying arrangement. On Tuesday he told CNN that he and his staff members "absolutely did nothing wrong." He told the Sun and other reporters that he was "fully planning on working, staying in office."

Where Doug Hampton stands

Singer and Berman said Public Integrity prosecutors, and possibly FBI agents and assistant prosecutors from the Washington and Nevada field offices, would move quickly to scoop up the public record and seek interviews with Doug Hampton and other potential witnesses.

Key to their investigation would be statements Hampton has made about an arrangement with Ensign and the senator's help in his lobbying efforts, as well as e-mail and other documents that Hampton has made public. By doing so, the former prosecutors said, Hampton appears to have deeply incriminated himself along with Ensign.

Singer, now a partner in the Washington law office of Fulbright and Jaworski, said investigators would want to sit down with Hampton immediately, especially because he appears still upset with Ensign over the affair.

"It's the reverse of hell hath no fury like a woman scorned," Singer said. "This guy is in an emotional rage. He opens up and bleeds all over himself. You want to lock this guy down with some kind of a statement, if not to the grand jury, at least to an FBI agent."

Berman, now head of litigation in Washington for the firm of Sonnenschein Nath and Rosenthal, agreed. But he went a step further, suggesting that Public Integrity officials may already be presenting documents and other material to a grand jury.

"You have witness interviews. You have documents being subpoenaed, e-mails being supplied," Berman said. "And if the grand jury is being used, it can go very quiet for a while."

He and Singer thought it could be up to six months before criminal charges, if any, are sought. A trial could come a year or more later. Much of it depends on cooperation from witnesses, and whether Ensign thinks it is hurting him politically.

A historical parallel

But they also pointed out that the Ensign allegations are much simpler than the complex web of the Abramoff case. One of the biggest targets was Congressman Bob Ney, R-Ohio, accused of activities very similar to what has surfaced in the Ensign matter.

Ney eventually pleaded guilty to conspiracy to commit multiple offenses, including fraud and crimes surrounding violation of the one-year lobbying ban. In January 2007 he was sentenced to 30 months in prison and a \$6,000 fine.

Two of his former chiefs of staff, Neil G. Volz and William J. Heaton, also pleaded guilty but were given probation after they cooperated with the government against Ney.

Singer said that scandal "was the largest corruption investigation since Watergate, in breadth and scope." Numerous Capitol Hill and K Street lobbying figures were prosecuted, including ultra-lobbyist Jack Abramoff, who traded off his congressional ties to raise fees from a wide range of clients, such as American Indian tribes seeking casino licenses.

However, the Ensign matter, Singer said, is a more "discreet investigation of a specific senator and his alleged misconduct."

Put another way, Singer said, "Bob Ney was one spoke on a large wheel where Abramoff was the hub of that wheel. In this case, if there's a hub, it's Sen. Ensign."

But Berman cautioned that even simpler cases do not always pan out.

~~The senator being tried by the Public Integrity Section a year ago was Ted Stevens of Alaska. He was~~ convicted of lying on a Senate disclosure form to hide \$250,000 in gifts and home renovations. Stevens, then the longest-serving Republican in the Senate, consequently lost his seat. But in a surprising chain of events, the conviction was tossed out after a judge ruled prosecutors had withheld some evidence helpful to the defense.

Given that, Berman said, "it's impossible to know how these things will turn out."

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Feb 2008

Cindy

This is the most important letter that I've ever written. What I did with you was wrong. I was completely self-centered & only thinking of myself. I used you for my own pleasure not letting thoughts of you, Dong, Brandon, Blake or Brittany come into my mind. I betrayed everything I believe in. I lied to myself & over. I justified my actions because I blamed my wife.

Dong has been a great friend to me over the years & I throw all of that away over wanting to feel good.

I take 100% responsibility for my actions. Plain & simple, it was wrong; it was sin. God never intended for us to do this. I walked away from Him & my relationship with Him has suffered terribly. I know He loves me & I know He loves you. He wants to restore Dong & me & wants to restore Dong & you.

More than that, He wants to restore our relationships to Him.

Sincerely,

John

Hampton, Doug (Ensign)

Not FOIA redactions

From: Doug Hampton (doug_hampton@
 Sent: Tuesday, February 26, 2008 9:38 AM
 To: Hampton, Doug (Ensign)
 Subject: Fw: November Inc 2008



eCommLink

5/1/08 - 5/1/09
\$ 7,500

Sent via BlackBerry by AT&T

-----Original Message-----

From: "Slanker, Mike" <mslanker@
 Date: Tue, 26 Feb 2008 09:36:35
 To: <doug_hampton@
 Subject: November Inc 2008

Here is an estimate of what it will cost to make November Inc operational per month. The company has an additional \$1,800 in expenses each month that we have accounted for outside of this list. They are expenses that we are paying already and have set aside money for.

I think this is more than doable. Health Care is too low I believe but we won't know until we get you set up. We will also have some start up costs in Computer equipment and business cards.

Additional Monthly Expense - new employee

14,583.33 Salary (\$175,000/year)
 1,300.00 Employee payroll taxes
 300.00 Health insurance - depends on age/sex
 2,400.00 Rent on Diveley house
 200.00 Cell phone/Blackberry
 200.00 Internet/Phone
 300.00 Other misc - office supplies, security, cleaning etc.

19,283.33 TOTAL (each month)

3 CLIENTS @ 7,500 = 22,500

{ 15-20 HR PER WEEK PER CLIENT }

EMP PAYROLL TAX	1,300
HEALTH INS	800
RENT	2,400
CELL/PHONE/INTERNET	400
OFFICE i MISC	300

\$ 17,300 { \$207,600 annually }
 08/

Doug Hampton 4/2/08
Senator Ensign's Office

Exit strategy &
insurance for Cindy

Exit Strategy !
insurance for Doug

Communication Plan
for NRSC : Official
Office

NO CONTACT WHAT SO
EVER WITH CINDY !



Job - We both work for JE
What has happened - 4 months
Phones - records, text msgs
DC Men - Who knows

Families
JE parents
Juska
Rita
Elm? Tim

Disclosure cleared
Son NRSC Intern



Not FOIA redactions

Record of discussions with John Ensign !

9:40 AM
4/2 DC

- Brief discussion with him on four matters
- Exit strategy and severance for Cindy
 - Exit strategy and severance for Doug
 - Communication plan
 - Absolutely no contact with Cindy
 - He response was he understood

NOON
4/2 DC

- John called me on my cell from NRSC to discuss some details
- Communication plan - shared with me Coe plan - falling out
 - I should wouldn't ask hurt my ability to build New Inc grant affairs arm. - He agreed
 - I shared my idea of health plan - Cindy history
 - We discussed timing of departure JE agreed for me to stay on thru April - Better for client building - He offered to continue effort. He discussed (SPR, Rogich/Sleebrun, Reid)
 - Said he would go to work on the above issues

7:30 PM
4/2 LV

- John called asked if it was ok to share the outlines of a plan
- Doug ~ 2 yr severance, continue client building
 - Cindy ~ 1 year salary
 - Discussed gift rules and tax law
 - Shared a plan to have both he and Dorene write ch's in various amounts equalling 90K

He asked if the offer was ok and did I agree - I said I would need to think about and would get back with him.

Bank of America



Capture Date: 04/09/2008 Sequence #: [REDACTED]

Not FOIA redactions

ENSIGN 1993 TRUST DATED 6/1/93

4/7/08

DATE

AY TO THE ORDER OF Doug, Cindy, Brandon, and Blake Hampton \$ 96,000.00

Ninety Six Thousand and 00/100 DOLLARS



Wells Fargo Bank, N.A.
www.wellsfargo.com

PRIVATE | CLIENT | SERVICES

[Signature]

31-9 03

151 51193



Deposit Only

No Electronic Endorsements Found
No Payee Endorsements Found

Page 3 of 3

Print Req [REDACTED]

Not FOIA redactions

UNITED STATES SENATE FINANCIAL DISCLOSURE REPORT FOR ANNUAL AND TERMINATION REPORTS			
Last Name	First Name and Middle Initial	Calendar Year Covered by Report	Employer's Office / Agency in Which Employed
HAMPTON	DOUGLAS D.	2008	UNITED STATES SENATE
Senate Office Address (Number, Street, City, State and ZIP Code)	Senate Office Telephone Number (include area code)	Termination Date (Month/Day/Year)	Print Office / Agency or Where Employed
119 RUSSELL SENATORS (202)		5/1/2008	
AFTER READING THE INSTRUCTIONS - ANSWER EACH OF THESE QUESTIONS AND ATTACH THE RELEVANT PART			
		YES	NO
Did any individual or organization make a donation in charity in favor of paying you for a speech, appearance, or article in the reporting period? If Yes, Complete and Attach PART I	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Did you, your spouse, or dependent child receive any reportable travel or reimbursements for travel in the reporting period (i.e., worth more than \$330 from one source)? If Yes, Complete and Attach PART VI	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Did you or your spouse have earned income (e.g., salaries or fees) or non-investment income of more than \$200 from any reportable source in the reporting period? If Yes, Complete and Attach PART II	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Did you, your spouse, or dependent child have any reportable liability (more than \$10,000) during the reporting period? If Yes, Complete and Attach PART VII	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Did you, your spouse, or dependent child hold any reportable assets worth more than \$1,000 at the end of the period, or receive undistributed investment income of more than \$200 in the reporting period? If Yes, Complete and Attach PART IIIA and/or IIIB	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Did you hold any reportable positions on or before the date of filing in the current calendar year? If Yes, Complete and Attach PART VIII	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Did you, your spouse, or dependent child purchase, sell, or exchange any reportable asset worth more than \$1,000 in the reporting period? If Yes, Complete and Attach PART IV	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Do you have any reportable agreement or arrangement with an outside entity? If Yes, Complete and Attach PART IX	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Did you, your spouse, or dependent child receive any reportable gift in the reporting period (i.e., aggregating more than \$330 and not otherwise exempt)? If Yes, Complete and Attach PART V	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	This is your FIRST Report. Did you receive compensation of more than \$3,000 from a single source in the two prior years? If Yes, Complete and Attach PART X	<input type="checkbox"/> YES <input type="checkbox"/> NO
Each question must be answered and the appropriate PART attached for each "YES" response.			
File this report and any amendments with the Secretary of the Senate, Office of Public Records, Room 232, Hart Senate Office Building, U.S. Senate, Washington, DC 20510. \$200 Penalty for filing more than 30 days after due date.			
This Financial Disclosure Statement is required by the Ethics in Government Act of 1976, as amended. The statement will be made available by the Office of the Secretary of the Senate to any requesting person upon written application and will be reviewed by the Select Committee on Ethics. Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil and criminal sanctions. (See 5 U.S.C. app. 6, 104, and 18 U.S.C. 1001.)			
Certification	Signature of Reporting Individual	Date (Month, Day, Year)	
I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.		4/30/2008	
For Official Use Only - Do Not Write Below This Line			
It is the opinion of the reviewer that the statements made in this form are in compliance with Title I of the Ethics in Government Act.	Signature of Reviewing Official	Date (Month, Day, Year)	
			
		FOR OFFICIAL USE ONLY Do Not Write Below This Line 08 APR 29 PM 2:20 RECEIVED BY THE CLERK	

Not FOIA redactions

Reporting individual's name

PART IIIA. PUBLICLY TRADED ASSETS AND UNEARNED INCOME SOURCES

Page Number

BLOCK A
Identity of Publicly Traded Assets
And Unearned Income Sources

Report the complete name of each publicly traded asset held by you, your spouse, or your dependent child. (See p. 3, **CONTENTS OF REPORTS Part B of Instructions**) for production of income or investment which:

(1) had a value exceeding \$1,000 at the close of the reporting period; and/or

(2) generated over \$200 in "unearned" income during the reporting period

Include on this **PART IIIA** a complete identification of each public bond, mutual fund, publicly traded partnership interest, accepted investment funds, bank accounts, accepted and qualified blind trusts, and publicly traded assets of a retirement plan.

BLOCK B
Valuation of Assets

At the close of reporting period.
If none, or less than \$1,001,
Check the first column.

\$0-499 (or less than \$1,001)	\$1,001 - \$19,000	\$19,001 - \$49,000	\$49,001 - \$99,000	\$99,001 - \$249,000	\$249,001 - \$499,000	\$499,001 - \$999,000	Over \$1,000,000
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BLOCK C
Type and Amount of Income

If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item. This includes income received or accrued to the benefit of the individual.

Type of Income				Amount of Income				Actual Amount Received or "Other" Specified					
Dividends	Interest	Capital Gains	Other	None (or less than \$201)	\$201 - \$1,000	\$1,001 - \$2,500	\$2,501 - \$5,000		\$5,001 - \$15,000	\$15,001 - \$50,000	\$50,001 - \$100,000	\$100,001 - \$1,000,000	Over \$1,000,000
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EXEMPTION TEST (See instructions before marking box). If you checked any asset because it meets the three-part test for an exemption described in the instructions, check in the box to the right.

The category applies only if the asset is held exclusively by the spouse or dependent child. If the asset is also owned by the filer or jointly held, use the other categories as above. ☐

Doug Hampton

From: Slanker, Mike (mslanker@
Sent: Tuesday, May 06, 2008 1:55 PM
To: doug_hampton@ Doug Hampton
Subject: FW: Doug's needs

Not FOIA redactions

I responded to Rebecca. \$175,000 pay for right now ok? First paycheck later this month based on getting some invoicing going and a few checks in ok? Start date on the books maybe this coming Monday ok? You ok with twice a month pay as she laid out? Will get you a credit card shortly. I dropped the ball on that.

From: rebecca
Sent: Tuesday, May 06, 2008 4:02 PM
To: Slanker, Mike; doug_hampton@ dhampton@
Subject: Re: doug's needs

Hi Mike and Doug,

Doug, I look forward to working with you in the near future! Here are some questions I have for both of you - not sure which of you will know the answers:

- 1) When is Doug's official start date?
- 2) What is Doug's annual salary? We have always paid twice a month on the 15th and last day of the month, does that still work? When will the first paycheck be?
- 3) Should I be tracking Doug's income and expenses from his clients separately? If so, do you want to use one of the DBA's or create a new one?
- 4) Will Doug be a signer on any or all of the bank accounts?
- 5) Is the Am Ex set up for Doug yet?

I can start invoicing as soon as I have the client information. A contract would be great, but if you don't have that yet, monthly amount and billing address will do for now.

I am in the process of getting the health insurance finalized and once we have the final plan I will get Doug the paperwork to fill out and get him started on that. I will also PDF over the employment paperwork that I need filled out in a separate e-mail to Doug.

Please let me know if you have any questions for me or if I can get you any information.

Thanks,
Rebecca

Rebecca Daniels

-----Original Message-----

From: Slanker, Mike <msslanker@[REDACTED]>
To: rebecca@[REDACTED]; Rebecca Daniels <rebecca@[REDACTED]>
Cc: doug_hampton@[REDACTED]; dhampton@[REDACTED]
Sent: Tue, 6 May 2008 10:20 am
Subject: doug's needs

Not FOIA redactions

He has landed his first client with a few more to follow into next week.

He needs to get you contracts and terms so we can begin invoicing. I think he would like an invoice to go out this week to the first client.

He also needs to get health care paperwork filled out and payroll information as well.

I'm sure I'm missing something but these are the basics.

I've copied him on this email so the two of you can get together and begin the process.

The House/Office will not be functional for a while. It is becoming a storage place but not yet a functioning office. Hopefully in a month or so.

Thank you Rebecca.

Mike Slanker
Political Director
National Republican Senatorial Committee
[REDACTED]

Plan your next roadtrip with MapQuest.com: America's #1 Mapping Site.

Not FOIA redactions

Doug Hampton

To: nvensign@ [REDACTED]

Sent 5/27/08 @

10:40
am

John,

I have a few significant issues. I am not sure the solutions but I will continue for the moment to give you the benefit of doubt and communicate with you.

It has been a few weeks since you last contacted me and the month of May is near its end. I have two clients Allegiant and Nevada Power and will not draw a salary in May. Contracts with these clients are signed and negotiated but invoices must be paid and November Inc. has no money to pay me until these clients pay their invoices. Regardless of the circumstance you ensured me that I would not be injured as a result of leaving your organization. Your best efforts to secure clients as not created a scenario whereby I was able to leave your organization which was in your best interest and not be impacted financially. This issue as important and concerning as it is to me.....maybe greatly impacted by the next issue.

[REDACTED]

John I can honestly tell you I do not know what to do with the circumstance you and Cindy have brought into our lives. My greatest efforts to forgive, get past, take the hit, leave your organization have done nothing to change or end what has come into our lives. It will be a miracle of great magnitude if this does not ruin all our lives.

I am really struggling with what to do.....?

Aug 01 2008 11:49AM Daniels

08-01-'08 08:27 FROM:NPC C1ms

T-025 PB32/005 F-732

P.1

Not FOIA redactions

November



AGREEMENT FOR CONSULTING SERVICES

TO

Nevada Power Company and
~~Sierra Pacific Resources~~
Sierra Pacific Power Company

FOR GOVERNMENT AFFAIRS CONSULTING

Not FOIA redactions

Aug 01 2008 11:49AM Daniels

08-01-08 08:27 FROM-NPC Glas

Jun 27 2008 10:49AM Daniels

P.2

7-025, 7203/005 E-792

P.2

The Company

November Incorporated was founded on over forty years of campaign, government affairs, and public affairs experience in more than a dozen states across America. A unique fusion of consulting, fundraising, grassroots, media, campaign, and project management experience, November Inc. brings together talent from successful campaigns for US Senate, Congress, and Governor as well as numerous other statewide campaigns, ballot initiatives and local elections.

The partners of November Inc. have been instrumental in the elections of Governors, Senators, Members of Congress, Attorney's General as well as various other offices up and down the ticket. Our breadth of experience carries over to the corporate world having won ballot initiatives for interest groups and corporate clients as well as numerous government affairs victories at the local, state, and federal levels. November Inc. continues to build winning campaigns and successful relationships with business and political leaders across the country.

Our clients care about their community, their government and their bottom line. We understand and appreciate the motivation and goals of our clients and are committed to helping them achieve success.

Services**Government Affairs**

Elected Official Contact - Federal
 Regular Meeting Schedule
 Regular Contribution Schedule
 Tours/Employee Meet and Greets
 Elected Official Contact - State
 Regular Meeting Schedule
 Regular Contribution Schedule
 Elected Official Contact - County
 Elected Official Contact - City
 Lobbying Coordination
 Outside Consultant Coordination
 Fact Sheet Preparation and Update
 Federal Agenda Briefings and Updates

The Structure**Standard Retainer - Government Affairs**

May 15, 2008 - October 15, 2008 \$5,000 per month

Expenses

Nevada Power will reimburse November Inc for all reasonable expenses. Any expense in excess of \$1,000 will be cleared by Nevada Power in advance.

Nevada Power and Sierra Pacific Power

Not FOIA redactions

Aug 01 2008 11:49AM Daniels

08-81-08 08:27 FROM-NPC Clds

Jun 27 2008 10:48AM Daniels

T-825 P084/885 F-792

p.3

Termination of Agreement; Notice: Notwithstanding any other provisions of this Agreement, either party hereto may terminate this Agreement, with or without cause, at any time by giving thirty (30) days written notice to the other party. Client shall pay to November, Inc. within ten (10) days of such termination, all of November, Inc.'s fees and expenses accrued or incurred to and including the date of termination, including any amounts incurred or accrued in connection with work in progress.

Independent Contractor: Agency shall perform the services under this Agreement as an independent contractor and shall not be treated as an employee of Client for federal, state or local tax purposes or for any other purposes.

Conflicts of Interest: November, Inc. is not precluded hereunder from representing, or performing services for, and being employed by other persons or companies, provided that such services do not create a conflict of interest relative to Client.

AGREED AND ACCEPTED**CLIENT:**

~~NEVADA POWER COMPANY~~
~~Sierra Pacific Power~~
 8228 West Sahara Ave.
 Las Vegas, NV 89140

AGENCY:

November Inc.
 P.O. Box 371553
 Las Vegas, NV 89137

BY: *[Signature]*

Michael Laddin Tony Sanchez

BY: *[Signature]*

Doug Hampton

TITLE: President & CEO

SE. V.P. -
 Secretary, TITLE:
 Policy &
 External Affairs

DATE: 5/29/08DATE: 6/12/08

Doug Hampton

To: nvensign@
Subject: Voice Message

Sent 5/30/08 @ 4:46 PM

John,

I would prefer to write you at this time so I choose my words carefully and communicate effectively. I am very upset at the circumstances of these past few weeks.

First, you have not contacted me weekly and if you are still leaving messages or emails on the 202 number I have not used that phone in weeks. This last voice mail is the first you have left on my new number which you have had for weeks. Regardless of your best efforts....today I have one client you have truly made happen for me (Allegiant Air) Nevada Power was my idea and you made a two minute phone call to Michael Yackira of which I could have made to setup the appointment. No matter what the excuse as a result of your actions and your actions alone I left your organization in April doing all that was asked of me. You ensured me that you would have no issues getting at least three clients and that more than likely I would make more money consulting than I did working for the Senate. Today that is not the case and in May my income suffered. Forget the severance that was not part of the deal and that was for Cindy having to leave her job. There was no severance for me as you stated it was not possible with government employees.

I feel strongly in spite of your efforts that I have been wronged in all of this and continue to suffer as a result what happened these last several months. I also feel I have treated you kindly and in a Christ like manner through these last few months and handled myself with great professionalism. I know it's been more difficult getting clients and arranging contracts than you presented it in March in the LV office with Slanker. But the bottom line from my perspective the scenario is wrong.

Not FOIA redactions

I absolutely believe I deserve a job that pays me not a penny less than what I was making as your AA. I did an outstanding job and those are your words. My situation in needing to leave is as a result of your actions. First month out I went backwards financially....that's the bottom line. And I do not believe November Inc. (Slanker) should have to come up with the money for me.

So that's where we are today. I have scheduled a meeting with Bob Andrews and we shall see, but regardless of what happens with them I will more than likely take another hit in June as a result of getting these clients signed and invoices paid to Nov. Inc.

So you know where I stand and I trust you will do what is right.

Doug Hampton

From: Doug Hampton [dhampton@redacted]
 Sent: Thursday, July 10, 2008 11:14 AM
 To: 'Slanker, Mike'
 Subject: RE: hey man

Not FOIA redactions

Mike,

Thank you for this follow up letter and your honesty. I want to address all of your thoughts and concerns.

First of all, thank you for all your thoughts and prayers for me and my family. To give you an update, the Lord has recently introduced us to a new counselor we have been seeing who is very experienced and proactive in helping couples who have gone through similar situations as ours. With a lot of hard work on our parts, the counselors help and guidance from the Lord I believe we are headed in the right direction.

Secondly, I am truly sorry for anything I have said or done to hurt you and Lindsey. It was not my heart or intention to do so in anyway. Cindy and I are terribly sorry that you have been brought into the middle of this situation that has so deeply affected you and your daily lives. In regards to me and our discussion about how much you are reading and studying, I have terribly communicated my thoughts with you somehow causing you to feel judged. It pains me to know I came across that way and I want you to know that my intent was to reveal or discuss what God is teaching me about the leader he is calling me to be knowing the terrible husband and person I have been, not to judge you in any way at all. Again, please forgive me for coming across that way.

I do need to tell you that I don't understand the comments and thoughts about Cindy and her ability to talk with Lindsey and assumptions about her needing space. I truly feel that Cindy has been remarkable in her attempts to take responsibility for her choices as well as reach out in a deeper way to Lindsey. We both have stated the awkwardness about the whole situation. It was never our intent to ask you and Lindsey to change your relationship with John, we just expressed our concern if there was a possibility it could come between us. This is something we would never want to see happen. With that said, we do not want to put pressure on you to spend time with us, knowing how hard this has been on both of you. We want to be sensitive to your difficult situation and in no way shape or form keep you in the crosshairs.

We have at your request reached out to you and included both of you in some of our deepest thoughts, concerns, cares, fears and hardships. You have stated or questioned why Cindy and I tend to throw each of you "long balls"; this is truly perplexing in light of each of you continually encouraging us to share our hearts with you. If you only knew how bad Cindy feels about what has taken place, she would do anything to go back and make different choices. The one conclusion we have come to is that when John finally admitted to having feelings for Cindy that started over year ago and then acted on them this last December, no matter how Cindy would have responded the relationship was forever changed. For instance, if Cindy has said no to him he would have never accepted that answer and either would have pursued her harder or would have most likely distanced himself from her. If Cindy would have told me or Darlene it would have forever changed our relationship with the families. It was a no win situation.

The unfortunate part is that we had brought you and Lindsey into our circle, we all worked together and now you have had to be a part and witness firsthand the destruction of a close, lifelong friendship. That is the reason we never wanted you and Lindsey to find out in the first place. Not because we didn't want to tell you, but because of how you both are feeling now is exactly what we were afraid of. Cindy wanted to tell Lindsey several times, but did not want to be selfish and bring her into all this knowing she had to work so closely with John every day. She was also counseled that is wasn't just her story to tell. It is John's also and the more talking that was done could result in the story getting out and publically causing even more damage than it already has. So when Lindsey finally confessed knowing after several weeks and was angry and disappointed at Cindy for not telling and even threatened our relationship and business relationship it was hurtful to us. We honestly only had your best interest in mind. The part we wrestle with is how were

1

you any different when I came to you and told you Cindy wasn't able to work anymore and you didn't share what you already knew with me. I could be just as upset with you as Lindsey was at Cindy, but I choose to believe the best and realize you were in disbelief, shock and didn't know what to do or say.

Lastly, in regards to the business front I completely understand how you and Lindsey would like to keep November Inc. running. You have made it a successful company and you have a lot to be proud of in that regard. In talking to you and reasoning together I was only giving you my thoughts and concerns in going forward and I am terribly sorry if I have offended you and Lindsey in any way. I am also trying to understand where you both see all of this going and how I fit into the equation. With everything that has transpired I am wondering if you even want me to be a part of November Inc. anymore. I understand that right now you are both buried at the NRSC and cannot give a lot of thought or concern to what I am doing right now. One of my biggest frustrations is that I am working hard on getting more clients, but I have no internal control as far as the invoicing for the clients I have now of which you asked me to let Rebecca handle. As you both know I have only been paid once and we are already in our third month. With all of this said I hope you will both be honest with me and tell me if you would like me to move on and look for employment elsewhere.

I hope this clarifies some of our thoughts and answers most of your concerns. We also love you both very much and want to be a part of your lives. However, we too don't want to hurt either of you and cause you more pain and difficulty in your life in any way.

Love you brother

From: Slanker, Mike (mailto:mslanker@
Sent: Thursday, July 10, 2008 8:04 AM
To: Doug Hampton
Subject: hey man

Not FOIA redactions

Just wanted to take a moment and follow up on our last two conversations.

First, know that our thoughts and prayers are with you and your family. We wish there was more we could do. Please, if you are in need of something we can provide all you have to do is ask.

Second, I have thought a lot about something you have said to me a few times lately. About leading our respective families and not letting divisive situations come about due to our lack of leadership or attention. Lindsey and I are in the middle of something that we wrestle with every day—we are so close to it all that it has affected our day to day life and our relationship. We believe that God has put us in this place to help and love and we are doing all we believe that we can to do both.

I'm asking you to understand that this is tough for us sometimes. When Cindy can't talk to Lindsey, or you ask me why our business is constructed the way it is or how much I'm reading and studying day to day—we struggle with how we should respond. While we can't possibly understand what you may be going through we do struggle with being in the crosshairs.

On the personal front, we are happy to give Cindy space if that helps things. We love her and want her to bounce back from this. If our relationship with John makes that more difficult then we won't pressure her to spend time with us. Her relationship with you is most important and we don't want to be in the way of the work you are doing.

On the business front I just need to explain how we see things. November Inc. will always be Lindsey and Mike as partners. That does not necessarily mean only Lindsey and Mike into the future but it does mean we will have equal say at the table for company decisions. The company was founded on a shared approach to business and we believe that we each provide a different expertise and source of income. We are comfortable with that model and have no intentions of changing it. We also feel that we cannot commit to who our clients will, or will not be, and feel like we need to reserve the right to make those decisions on our own. I don't say that just in response to Ensign Inc. as a client but to all decisions that will need to make moving forward.

I hope this does not come off terse because it is not meant to be. We love you both very much and want to be a part of your lives. In the same respect, we don't want to hurt either of you by making your life more difficult in any way.

Doug Hampton

From: Doug Hampton [dhampton@
Sent: Monday, July 14, 2008 9:34 AM
To: 'nvensign@
Subject: Bob Andrews

Not FOIA redactions

John,

Bob final got back to me and they have decided that they do not need the service at this time.

I have got to be honest with you, it is getting more and more difficult to take that high road with you and not just consult an attorney on all that you have done to me and my family because I believe this is never going to stop.

I sent you a text message Saturday morning on a very difficult phone call that was received by Cindy and you didn't have the decency to acknowledge receipt of the message. If you and your family were receiving phone calls from people we had spoken to about your ordeal I believe you would be extremely upset and handle me in a very different manner.

John if this whole circumstance was reversed and I did all this to you, I do not believe you would handle yourself in the manner I have handled you. Here we are in the middle of July and you continue to deeply hurt and impact my family in one form or another. You have not retained three clients for me as promised and your poor choices have lead to a deep hurt and financial impact to my family. In my opinion you have not made anything right or upheld your end of anything (all talking to cease, clients, no more hurt to the Hampton's)! [REDACTED]

If I was such a terrible friend and lied and took from you financially over the years (golf, dinners, vacations, governors cup...etc.) why do you ever hire me in the first place? Who are you John? How could anyone who truly cared for another person be so feeling less towards what has taken place? You speak of the kindness and the manner in which I dealt with you in April stating "you wished some day you could approach me in the same manner" and here we are a few months later and you continue to reveal who you really are.....a self centered, self consumed person who only cares for their own well being. I don't mean for those words to be as harsh as they must come across but John what would you do if you were me and I was the Senator and did this to you? It just appears to me that you only care for yourself and give little regard to us and what you have done otherwise you would really see my point of view.

The "Open Range" opportunity needs to work out because I will not sit back and let my family be ruined financially because of what has taken place. At your request and your design I left your organization to save your reputation and career and mine has been ruined. What you fail to remember is I have kindly and without question accepted your decision making in this process and you have not held up any part of your responsibility. The bottom line is my career and income have been significantly impacted because of you. If I wasn't working on the Bean's deal what would you do for me? What clients are you working on currently to get my income back to where I was when I was asked to leave by you?

Doug

Order 2008-9-18



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
on the 15th day of September, 2008

Allegiant Air, LLC

Violations of 49 U.S.C. § 41712
and 14 CFR 399.84

Docket OST 2008-0031

Served September 15, 2008

CONSENT ORDER

This consent order concerns fare displays by Allegiant Air, LLC (Allegiant) on its website (www.allegiantair.com) that failed to comply with the Department's rule on full fare advertising, 14 CFR 399.84, and the related statute, 49 U.S.C. § 41712(a). The carrier assessed a "convenience fee" on all ticket purchases except those made at one of the carrier's airport ticket offices. Under section 399.84, this fee should have been included in initial fare quotes on Allegiant's website. This order assesses a compromise civil penalty of \$50,000 and directs the carrier to cease and desist from future similar violations.

To ensure that consumers receive accurate and complete information on available air fares, section 399.84 of the Department's rules (14 CFR 399.84) requires that fare advertisements by air carriers or their agents state the full price to be charged the consumer. This requirement extends to advertisements on Internet sites. Under its enforcement case precedent, the Department has allowed certain government taxes and fees to be stated separately in fare advertisements, provided that the consumer is informed of these charges in conveniently accessible text.¹ However, because Allegiant's convenience fee, a non-government fee, applied to the large majority of ticket

¹ Fees or charges may be listed separately, under Department precedent, provided that they are levied by a government entity, are not *ad valorem* in nature, are collected on a per-passenger basis, and their existence and amount are clearly indicated in the advertisement so that the consumer can determine the full fare to be paid. Examples of such additional charges are passenger facility charges (PFCs) and international departure taxes. On Internet displays, these charges may be noted through a prominent link, placed adjacent to the stated fare, that takes the viewer to the bottom of the screen, or to a separate screen, where the nature and amount of such fees are displayed.

purchases using the carrier's website,² the fee should have been included in the initial fare quotes appearing on the website.

In this manner, the Allegiant website, in the Enforcement Office's view, violated Department requirements by displaying fares which on their initial presentation did not include the carrier-assessed convenience fee as described above. Inclusion of the fee in the quoted fare did not occur until the latter stages of the website booking process. As with other carrier-imposed fees that are mandatory for on-line bookings, convenience fees must be included in initial base fares displayed in website advertisements, or in a range of lowest to highest fares inclusive of the fee, both on the carrier's site and on the sites of secondary vendors.

In mitigation and explanation, Allegiant states that it takes compliance with government requirements very seriously. Consistent with that approach, Allegiant believes strongly that its practice of disclosing the convenience fee in a like manner as checked baggage fees and other non-mandatory fees complied fully with Department rules, guidance and precedent applicable to such fees. Allegiant states that its passengers have been free at all times to purchase transportation at its airport ticket offices without incurring the fee, and that on average over 1,400 per week choose to do so. Availability of that purchase option was and continues to be disclosed repeatedly and clearly on Allegiant's website, with a complete list of the specific locations and times of operation of the airport ticket offices readily accessible via conspicuous hyperlinks. Thus Allegiant believes that since the convenience fee, like a checked baggage fee, is non-mandatory, Allegiant at all times provided consumers with full and accurate fare information in compliance with Department rules, guidance and precedent.

Allegiant states that despite its strongly-held conviction that no violation occurred, it has cooperated fully with the Department's investigation, including participation in extensive discussions with the Enforcement Office concerning the latter's desire for changes to the content, format and layout of various pages of the Allegiant website. Allegiant states that it has voluntarily resolved each Enforcement Office concern, many of which went well beyond the scope of the convenience fee matter.

We acknowledge that Allegiant has cooperated in our investigation and has responded positively to the Enforcement Office's requests for revisions to the carrier's website; however, we believe that enforcement action is nonetheless warranted in this instance. Principal among the modifications Allegiant has agreed to make to its website, the initial presentation of its fare quotes will include a range of fares available in the market selected by the consumer, with the convenience fee included in the high and low fares quoted on the initial screen.³ In addition, Allegiant, in order to avoid litigation and without admitting the alleged violations, agrees to the issuance of this order to cease and

² The convenience fee (currently \$11.50) was assessed on all non-ticket counter sales, except that for travel originating from new markets. Allegiant did not assess the fee until such time as its local airport ticket office opened for business.

³ Allegiant states that it expects the website revisions to be in place within 60 days of the service date of this order.

desist from future violations of 49 U.S.C. § 41712 and 14 CFR 399.84 and to an assessment of \$50,000 in compromise of potential civil penalties. Of this total penalty amount, \$25,000 shall be payable within 75 days following the service date of this order. Eligible website reprogramming costs may be offset against up to \$15,000 of the assessed penalty.⁴ The remaining \$25,000 shall be paid if Allegiant violates this order's cease and desist or payment provisions within the 15-month period following issuance of this order, in which case the entire unpaid amount shall become due and payable immediately and Allegiant may be subject to further enforcement action. This compromise assessment is appropriate in view of the nature and extent of the violations in question and serves the public interest. This settlement, moreover, represents a deterrent to future noncompliance with the Department's advertising regulations and section 41712 by Allegiant, as well as by other sellers of air transportation.

This order is issued under the authority contained in 49 CFR 1.57a and 14 CFR 385.15.

ACCORDINGLY,

1. Based on the above discussion, we approve this settlement and the provisions of this order as being in the public interest;
2. We find that Allegiant Air, LLC, violated 14 CFR 399.84 by failing to include additional fees, referred to as convenience fees, in fares initially presented on its website;
3. ~~We find that Allegiant Air, LLC, violated 49 U.S.C. § 41712(a) by failing to include additional fees, referred to as convenience fees, in fares initially presented on its website;~~
4. Allegiant Air, LLC, its successors, affiliates, and assigns, are ordered to cease and desist from further violations of 14 CFR 399.84 and 49 U.S.C. § 41712(a) relating to full fare advertising;
5. Allegiant Air, LLC, is assessed \$50,000 in compromise of civil penalties that might otherwise be assessed for the violations described in ordering paragraphs 2 and 3. Of this total penalty amount, \$25,000 shall be due and payable 75 days after the service date of this order. Up to \$15,000 of that amount may be offset for verified website reprogramming expenditures, as described in the order. Allegiant Air shall submit within 65 days of the service date of this order, a statement, sworn to by a responsible airline official, detailing its expenses for which it claims an offset. The remaining \$25,000 shall be paid if Allegiant violates this order's cease and desist provisions during the 15 months following the service date of this order, and Allegiant may be subject to further enforcement action; and

⁴ Allegiant is being credited up to \$15,000 for reprogramming and related review, approval, and implementation expenses, including the cost of changes related to certain optional services offered on the carrier's website. However, the offset does not extend to similar expenses related to the inclusion of the convenience fee in initial fare quotes. The carrier shall submit a statement of its expenses within 65 days of the service date of this order to avail itself of offsets.

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6. Payment shall be made by wire transfer through the Federal Reserve Communications System, commonly known as "Fed Wire," to the account of the U.S. Treasury. The wire transfer shall be executed in accordance with the instructions contained in the Attachment to this order. Failure to pay the penalty as ordered shall also subject Allegiant Air to an assessment of interest, penalty, and collection charges under the Debt Collection Act, and possible enforcement action for failure to comply with this order.

This order will become a final order of the Department 10 days after its service date unless a timely petition for review is filed or the Department takes review on its own motion.

BY:

SAMUEL PODBERESKY
Assistant General Counsel
For Aviation Enforcement and Proceedings

(SEAL)

An electronic version of this document is available on the World Wide Web at
<http://regulations.gov>

Approval of Impact Study will Allow for Public Participation

November 19, 2008

Washington, D.C. - In a letter to the Department of Interior today, Senator John Ensign and Congressman Dean Heller urged Secretary Dirk Kempthorne to approve the publication of the Draft Environmental Impact Study (EIS) for the proposed Ely Energy Center in Nevada. The Bureau of Land Management is responsible for preparing the document in accordance with the National Environmental Policy Act.

"Public participation in this process is critical. Nevadans need to understand what our energy needs are and options for meeting our future demand," said Ensign. "Our state needs inexpensive energy, more renewable resources and a diverse energy plan. The Ely Energy Center would help our state meet these demands and make Nevada less reliant on expensive imported energy."

The Ely Energy Center includes a north-south transmission line, which will make it possible for Nevada to continue to lead the nation in renewable energy development and help balance our state's energy portfolio. Issuing the long-awaited draft EIS would allow for the official public comment period to begin.

"The Ely Energy Center will be instrumental in providing Nevadans with affordable energy and critical for economic development in White Pine County. Moreover, our nation needs to move towards greater diversity in our energy sources that include renewable energy. The publication of the EIS will give the public the opportunity to review this project and understand its importance," said Heller.

Included below is the text of the letter.

November 19, 2008

The Honorable Dirk Kempthorne
Secretary of Interior
United States Department of Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Kempthorne:

We are writing this letter to urge you to approve publication of the Draft Environmental Impact Study (EIS) for NV Energy's proposed Ely Energy Center. Nevada is one of the fastest growing states in the country, and it is imperative that the dialogue surrounding valuable projects such as this be allowed to progress so that we can develop new energy sources and meet our critical demand.

NV Energy has proposed development of the Ely Energy Center, a 2,500-megawatt coal-fired power facility in White Pine County, Nevada. In addition to helping Nevada meet its energy needs and diversify our energy portfolio, this project will further the development of carbon capture technology and allow us to demonstrate how to use one of our most abundant natural resources in a clean and environmentally friendly manner. The Ely Energy Center project would also ensure the creation of a 250-mile transmission line between Ely and Las Vegas, effectively joining the entire state and taking a crucial step toward allowing Nevada the opportunity to create and develop many more renewable projects that can transmit along this line.

It is our goal, as state leaders, to increase Nevada's energy independence and further reduce the state's reliance on energy from outside sources by adding to and broadening our energy portfolio. We support NV Energy's proposed Energy Center project and believe that it would help accomplish these objectives, while concurrently setting a precedent for clean energy and coal-fired power generation around the world. We believe that the public's participation is integral in this process and hope that you will advance the draft EIS and allow for public comment and participation.

Your support and assistance in advancing the draft EIS on the Ely Energy Center project would be appreciated. Thank you for your attention to this matter.

Sincerely,

JOHN ENSIGN, United States Senate

DEAN HELLER, U.S. House of Representatives

[Signature]

[REDACTED] [REDACTED] [REDACTED]

From: Doug Hampton (dhampton@ [REDACTED])
Sent: Friday, December 05, 2008 12:57 PM
To: 'Sanchez, Tony'
Subject: Update EIS

Not FOIA redactions

----- Forwarded by Doug Hampton [REDACTED] on 12/05/2008 12:55 PM -----

From: "Allmon, Brooke (Ensign)" <Brooke.Allmon@ [REDACTED]>
To: "Doug Hampton" <Doug.Hampton@ [REDACTED]>
Date: 12/05/2008 11:04 AM
Subject: RE: Ely Energy Center Draft EIS

We thought it would be out by now -- DOJ seemed ready to go. I am sure they are getting pressure from Reid's office.

From: Doug Hampton (mailto:Doug.Hampton@ [REDACTED])
Sent: Friday, December 05, 2008 9:45 AM
To: Allmon, Brooke (Ensign)
Subject: Re: Ely Energy Center Draft EIS

Doug Hampton
November Inc.
Cell [REDACTED]
dhampton@ [REDACTED]

From: Doug Hampton [dhampton@redacted]
Sent: Friday, December 12, 2008 9:25 AM
To: 'Lopez, John (Ensign)'
Subject: RE: Draft EIS

Not FOIA redactions

Thanks John really appreciate it. The sadness to this issue is the interconnect for the line transmission is tied up in this draft and is really all the Power Company is interested in moving on at this time. They realize that the Ely Coal Plants a part of it is on hold for sometime (not to mention impossible to get financing) but DOI is really hurting Nevada and it's ability to move (an aspect of this that even Reid really wants) forward on connecting the North and South. Maybe passing along this part of the message would be helpful.

From: Lopez, John (Ensign) [mailto:John_Lopez@redacted]
Sent: Friday, December 12, 2008 9:18 AM
To: Doug Hampton
Subject: RE: Draft EIS

Hi Doug. I have been pounding Interior and can't figure out why this hasn't come out....they said it would. I've been calling Kempthorne's top guy about this with no luck. I'll call again today.

JOHN P. LOPEZ
Chief of Staff
U.S. Senator John Ensign (R-Nev.)
119 Russell Senate Office Building
Washington, D.C. 20510-2805

phone
fax

From: Doug Hampton [dhampton@
Sent: Friday, December 12, 2008 9:16 AM
To: 'Lopez, John (Ensign)'
Subject: Draft EIS

Not FOIA redactions

John,

Hate to bring you back in the loop on this....certainly no fault of Brooke's but still no release on this request from DOI.
Can you shed some light or hope that this is going to happen?

Doug Hampton

November Inc.

Cell [REDACTED]

dhampton@ [REDACTED]

From: Doug Hampton [dhampton@]
Sent: Friday, December 12, 2008 9:20 AM
To: 'Sanchez, Tony'
Subject: FW: Draft EIS

Not FOIA redactions

Update....will keep you posted

From: Lopez, John (Ensign) [mailto:John_Lopez@]
Sent: Friday, December 12, 2008 9:18 AM
To: Doug Hampton
Subject: RE: Draft EIS

Hi Doug, I have been pounding Interior and can't figure out why this hasn't come out....they said it would. I've been calling Kempthorne's top guy about this with no luck. I'll call again today.

JOHN P. LOPEZ
Chief of Staff
U.S. Senator John Ensign (R-Nev.)
119 Russell Senate Office Building
Washington, D.C. 20510-2805
phone
fax

[@SIGN UP FOR ENSIGN'S WEEKLY UPDATE](#)

From: Doug Hampton [mailto:dhampton@]
Sent: Friday, December 12, 2008 12:16 PM
To: Lopez, John (Ensign)
Subject: Draft EIS

John,

Hate to bring you back in the loop on this....certainly no fault of Brooke's but still no release on this request from DOI.
Can you shed some light or hope that this is going to happen?

Doug Hampton
November Inc.
Cell []
[]



April Nevada Power

rebecca162 o Doug.Hampton

04/23/2009 11:55 AM

History: This message has been replied to.

Hi Doug,

The April checks for Nevada Power are in and I have your check for \$5,000 ready for pick up at the Diveley office for you. The amount of your American Express charges to write to us is \$1,167.56. I think that you and Mike talked that we are going to turn off that card now that the Nevada Power billing is changing. It looks like you've mostly stopped using it, but I want to make sure anything that is auto billed has been changed before we turn it off so that you don't have problems with something on your end - just let me know.

Thanks,
Rebecca

[Big savings on Dell XPS Laptops and Desktops!](#)

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AIR TRANSPORT ASSOCIATION

March 16, 2009

VIA FACSIMILE AND U.S. MAIL

The Honorable Raymond LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Secretary:

This is to express our concern about an opinion -- dated October 6, 2008 -- given by the Department to Air Canada, stating that a series of charter flights Air Canada was proposing to provide to the Boston Bruins hockey team between September 22, 2008 and April 12, 2009 would not constitute illegal cabotage. The Department's opinion letter is attached hereto. We believe that the Air Canada operation does constitute prohibited cabotage and that the Department should inform Air Canada and other foreign carriers that such operations will not be permitted in the future.

The charter includes 73 flights. Forty-eight of these are over U.S. domestic segments. During one eight-week period between November 1, 2008 and January 17, 2009, there were to be 18 consecutive domestic flights and over another five week period from February 12 and March 15, 2009, there were to be 13 consecutive domestic flights. See schedule attached to opinion letter. The opinion letter, however, states that these flights "would not constitute prohibited cabotage ... provided that no local traffic of any kind is carried between U.S. points ..."

This interpretation is completely at odds with both the prohibition on the carriage of domestic traffic by foreign carriers in the aviation statutes and longstanding Department and Civil Aeronautics precedent. Foreign air carriers are only permitted to hold permits authorizing them to engage in foreign air transportation -- i.e., the transportation of passengers between U.S. and foreign points. The major portion of the Air Canada operation here can not reasonably be deemed to be foreign air transportation. Prior cases allowing foreign airlines to fly foreign sports teams into the U.S. and then to a handful of stopover points on a journey into and out of the U.S., simply do not provide an adequate basis for permitting a months-long series of intra-U.S. flights for a U.S.-originating group.

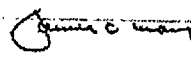
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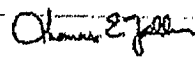
The Honorable Raymond LaHood
March 16, 2009
Page 2

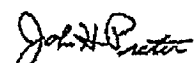
DOT's opinion is also at odds with the realities of a season-long charter for a sports team. It is highly likely, in fact almost certain, that over the course of the season different individuals will be travelling on different domestic segments. Injuries and illnesses will occur, players will be added to or dropped off the team, support staff and press personnel will make some, but not all the flights. Because these flight manifest changes are likely, the Department's contrary assumption is unreasonable and cannot support the interpretation to permit the extensive charter operation at issue here.

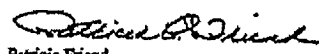
Several U.S. airlines have informed us that Air Canada is planning to bid on other U.S. sports team charter this year. The Department should inform Air Canada, and any other foreign carrier seeking to conduct similar charters, that the Department has reconsidered its October 6 opinion and that it views operations such as the one conducted by Air Canada for the Boston Bruins to constitute prohibited cabotage. The United States has long reserved domestic air transport for U.S. air carriers and their employees and it is essential that it continue to remain consistent on this important policy issue.

Sincerely,


James May
President
Air Transport Association


Thomas Zoellor
President
National Air Carrier Association


John Prater
President
Air Line Pilots Association


Patricia Friend
President
Association of Flight Attendants

Attachment
cc: The Honorable Janet Napolitano
Secretary
Department of Homeland Security

Charges ~ per Dan A.

- Willful intent to harm
- Negligent intent to harm
- Hostile work environment
- Sexual Harassment

Questions:

Power Harassment

Discrimination

Retaliation

Workplace fairness

Whistle blower

5/11 tried to call me left
msg no need to involve
attys 9¹⁵ PST
5/12 phoned 7³⁸ PST
text from 378.3388#
can we talk?

May 21 09 05:09p

p.1

Settlement

Purchase our home \$1,660,000

Employment

Loss of AA position (\$174K per year) \$870,000
 5 years of work and development
 (was asked to leave by John as a result of his actions)
 Loss of VP position with Allegiant (how many years to recoup career? 5 years) \$1,125,000
 Salary (\$150K)
 Bonus (\$75k)
 Stock (currently 6000 shares @ \$40 per share) \$240,000
 (necessary to leave the industry as a result of John's actions)
 Retirement & Life Insurance \$1,000,000

Education

Required for job placement in new career \$50,000

Relocation

Moving expenses \$15,000

(Two times, first to get away from current location and second move out of the state. Our children will finish school in Nevada)

All the damages

\$3,500,000

Tort

Pain & Suffering
 (what's the correct amount given the magnitude of the offense and suffering associated with ongoing action)

Punitive knowingly
 willingly
 deliberate
 negligent
 fraudulent

Counseling and Insurance

(Recovery for all members of our family, health insurance)

Legal Fee's

??

Total \$8,460,000

John
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.
 - Tortious interference w/
 contract
 - Tortious interference w/ business
 opportunity / career
 - Intentional infliction of emotional
 distress
 - punitive Damages

0. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.
 - 0. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Thursday, June 11, 2009

Fox News – Corporate Office
1211 Avenue of the America's
New York, New York 10036

Megyn Kelly,

More than any time in my life I understand why people take matters into their own hands. I am disheartened! I have sought wise counsel, tried to do the right thing and continue to run into road blocks in dealing with a very terrible circumstance and injustice that lives in my life. I am hoping you and Fox News can help.

My name is Doug Hampton. I am a former employee of US Senator John Ensign. I worked for Senator Ensign in his official government office on Capitol Hill from November 2006 to April 2008. My responsibilities were the oversight of his personnel in Washington as well as the state of Nevada. Duties included budgets, policy and public speaking on behalf of the Senator and his initiatives.

Here is my story. In December of 2007 in the midst of some very difficult personal issues that deeply impacted my family and marriage, Senator Ensign pursued and engaged in a relationship with my wife. Our families were lifelong friends, our children attend school together to this day, and our homes are in neighborhoods across from each other. My wife was the Senator's campaign treasurer.

There is a tremendous amount of details and critical facts associated with this story and their relationship that will not be addressed in this letter but are very important and need to be further explored if you choose to meet with me. The purpose of this letter is to establish the framework for discussion and provide enough information to warrant a meeting with you and Fox News. This is the only letter of its kind and no other news stations have been contacted with this information. I have great respect and affection for Fox News and many of your colleagues. I'm sending this to you because you have a legal background and this story has several legal elements.

The unethical behavior and immoral choice of Senator Ensign has been confronted by me and others on a number of occasions over this past year. In fact one of the confrontations took place in February 2008 at his home in Washington DC with a group of his peers. One of the attendees was Senator Tom Coburn from Oklahoma as well as several other men who are close to the Senator. Senator Ensign's conduct and relentless pursuit of my wife led to our dismissal in April of 2008. I would like to say he stopped his heinous conduct and pursuit upon our leaving, but that was not the case and his actions did not subside until August of 2008.

The actions of Senator Ensign have ruined our lives and careers and left my family in shambles. We have lost significant income, suffered indescribable pain and emotional suffering. We find ourselves today with an overwhelming loss of relationships, career opportunities and hope for recovery. Our pursuit of justice continues to place me and my family in harm's way as we fear for our well being.

Today, Senator Ensign's responsibility and stature have increased within the US Senate. He is currently the head of "Policy" for the Republican Party, the number four position within the Parties leadership team. We on the other hand are completely ruined and left to deal with the aftermath of very evil and completely unjustifiable acts of one of our countries top leaders.

It appears there may be nothing the law can do to correct and bring justice and restitution to this terrible wrong that has been done to us. I have sought a number of lawyers who are having difficulty finding charges that may hold up in court. There are either technicalities that exist due to the time period in which I have sought help, or other nuances that quite frankly make no sense to me given the egregious acts and blatant abuse of power by Senator Ensign. From my perspective this whole nightmare is terribly wrong and completely unacceptable and should not be tolerated.

I clearly understand this story is difficult to believe for anyone reading for the first time. I too would have difficulty believing it, if someone brought me this story. However I assure you it is true and there are facts, a paper trail, phone records and personal witnesses to testify to its truth. It is my belief we are dealing with a very powerful person and an institution in the US Senate that only the media can pierce to expose the wrong and bring light and focus to what needs to be done?

Please help me! This should not be how the leadership of our country should be allowed to behave. I need justice, help and restitution for what Senator Ensign has done to me and my family. Regardless of technicalities, regardless of position, regardless of power this cannot and should not be tolerated in our country from our trusted leaders. Will you help? Will you consider a meeting with me to further discuss this story and what can be done to bring justice and correction to this situation?

I love this country and considered it a great privilege to work in the US Senate. I am bringing this to you and Fox News to address this professionally and correctly. I could have sought the most liberal, Republican hating media to expose this story, but there are people's lives at stake and justice is about proper process as well as outcome. Senator Ensign has no business serving in the US Senate anymore! I will send you and email as well as leave you and your staff messages in an attempt to meet you and your team as soon as possible. I live and work in Nevada but can be in New York within hours, I look forward to your help.

Sincerely,

Doug Hampton

John Ensign
Doug Hampton to: Rick

06/15/2009 11:04 AM

Rick,

I am a former senior staff member of John's working with him in his official office in DC. We have met a few time, actually played golf once in Las Vegas with John. My wife and I have a signed copy of your wife's book "Letters to Gabriel" and had the privilege of sitting with you the evening you spoke at the National Prayer Breakfast a few years ago. I don't expect you to remember me but I am reaching out to you because I would like your help. I do know about you and your relationship with John, I am also aware of the man you profess to be and the positions you have taken publicly with regards to family, integrity and ethics.

This email is very difficult to write and I suspect the attached letter will be difficult to read. The letter I have attached will give you a framework for what has taken place in my life and the very difficult circumstances I am facing.

I am sending this note along to you because of your affiliation with Fox New and what I have put in motion with the letter I have sent Megyn Kelly at Fox News. I expect some meetings and conversations to take with Fox News as a result of my letter.

It is my strong request we speak prior to you calling John but realize I cannot control what you choose to do with the information. I have tried for one year with John and others to resolve an unbelievable set of actions that John initiated and perpetuated bringing great destruction to me and my family. Your wisdom, counsel and insight would be greatly appreciated.....as well as your help to resolve this terrible cover up. I do not need to tell you the far reaching ramifications of what has been done.

Look forward to hearing from you.



US Senator.doc

Doug Hampton
V.P. Government Affairs
Allegiant Travel Company
8630 S. Durango Dr.
Las Vegas, NV. 89113

O
C

doug.hampton@

Not FOIA redactions

Sanction

Date prior to

announcement

Announced

6/16



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

JUL 16 2009

Ms. Melanie Sloan
Executive Director
Citizens for Responsibility and Ethics in Washington
1400 Eye Street, NW, Suite 450
Washington, DC 20005

Dear Ms. Sloan:

This responds to your letter of July 9, 2009, addressed to Attorney General Eric Holder, regarding payments from United States Senator John Ensign to a former employee. You request that the Department of Justice investigate whether Senator Ensign engaged in criminal violations of the federal campaign finance laws in connection with his severance payments to Cynthia Hampton, a former employee of his campaign committee and political action committee. You also advise that you have filed complaints regarding this matter with the United States Senate Select Committee on Ethics and the Federal Election Commission.

If you believe that you have evidence of a violation of federal criminal law, you should provide that information to the Federal Bureau of Investigation (FBI). The FBI is the investigative arm of the Department of Justice and will determine whether a federal investigation may be warranted. If appropriate, the FBI will refer the matter to a United States Attorney or the Criminal Division for a final determination regarding legal action. The appropriate FBI office for this matter is located at 601 4th Street, NW, Washington, DC 20535, telephone number (202) 278-2000.

We appreciate your writing to express your concerns and hope that this information will be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "W. M. Welch II", written over a horizontal line.

William M. Welch II
Chief
Public Integrity Section

FD-71

Revised
7-21-2009FEDERAL BUREAU OF INVESTIGATION
COMPLAINT FORM

ADMINISTRATION

Classification Level:

U

☐ FISA Derived

RECEIVED BY

Name [redacted] (WF) (FBI)

Email [redacted]

Status:

None

Priority:

Routine

Incident Type:

Criminal Activity

Receipt Method:

Fax

Received On:

10/10/2009

Last Updated:

10/10/2009

Originator Type:

Complainant

Originating Agency:

Citizens for responsibility and et...

Originator Telephone:

Responsible Office:

RA:

Responsible Squad (ACS Designation):

RESPONSIBLE INVESTIGATOR

Name

Email

RESPONSIBLE SUPERVISOR

Name

Email

(WF) (FBI)

SUMMARY

Synopsis:

Public corruption related to Senator John Ensign. Refer to CR-15, SSA [redacted]

☐ Sensitive Investigative Matter

Facts of Incident:

In February 2009, upon being informed by Senator Ensign that [redacted] wanted to return to Nevada, a [redacted] suggested that his dormant fundraising and political consulting firm, November Inc. could be revived, giving [redacted] a base from which to start a government affairs practice. As part of the arrangement, Sen. Ensign agreed to help line up several clients that would pay [redacted] enough to match or exceed his \$144,000 Senate salary. [redacted] provided the New York Times with notes he took regarding the agreement he had reached with Senator Ensign.

Occurrence(s):

Time:

From:

To:

Duration:

Duration Units:

COMPLAINANT

Name:

☐ Protect Source

Date of Complaint:

10/6/2009

Time of Complaint:

12:28:00 PM

Address:

WDC, 20005

Telephone:

Date of Birth:

Email Address:

Gender:

Complaint Received By:

SUBJECT

Last Name or Organization Name:

ENSIGN

First Name:

JOHN

Middle Initial:

Telephone Number Text:

Social Security Number:

Date of Birth:

Place of Birth:

Gender:

M

Build:

Complexion:

Hair Color:

Eye Color:

Feet:

Inches:

Height:

Weight:

Age:

Facial Hair:

Accent:

Race:

Driver's License Number:

Yes

b6
b7Cb6
b7Cb6
b7C

☒ Public Figure(Politician, Celebrity, Community Leader, etc.)

US Person

☐ No☐ Unknown

Description (dress, mannerisms, or statements made):

Address:

Other Names:

Other Addresses:

Scar(s)/Tattoo(s):

Scar/Tattoo Description:

Associate(s):**Weapon(s):**

Weapon Description:

Vehicle(s):**INVESTIGATIVE METHODS****FINDINGS**

Recommended Classification: Recommended Alpha:

☐ Disseminate to FIG☐ Disseminate to Others

Recommended Action:

Date:

Assessment Findings:

Federal Violation:

SUPERVISOR REVIEW**Responsible Supervisor:**

(WF) (FBI)

REVIEWS**ATTACHMENTS**☐ File Attachment

Attachment Description:

b6
b7C

FACSIMILE COVER SHEET

**Citizens for Responsibility and Ethics in Washington
1400 Eye Street, N.W., Suite 450, Washington, D.C. 20005**

TO: Joseph Persichini
Assistant Director

FAX: 202-278-2478

FROM: Melanie Sloan

PHONE: 202-408-5565

DATE: October 6, 2009

PAGES: 23 (including cover)

RE: Request for Investigation of Sen. John Ensign

200 OCT -6 PM 1:04

pages transmitted are privileged and confidential



This Site: FIG

FIG

FIG > Request for Analysis > 58C-WF-241033

Request for Analysis: 58C-WF-241033

[New Item](#) | [Edit Item](#) | [Delete Item](#) | [Alert Me](#) | [Version History](#)**Security Classification** U//LES**Case Agent** [redacted] (WF) (FBI)**Squad** CR-15**Squad Supervisor** [redacted] (WF) (FBI)**Case File Number** 58C-WF-241033 -A**cc Other Case Agent****Keywords****Detailed Description and Discussion Area**

[redacted] (WF) (FBI) (12/2/2009 11:29 AM): Analytical assistance is request for the following in support of captioned federal public corruption investigation:

1) Complete a detailed biography, work history, and link analysis for the following subjects/witnesses: U.S. Senator John Ensign: [redacted]

[redacted]

2) Complete brief corporate biographies for NV Energy Inc and [redacted] [redacted] Identify ties to U.S. Senator Ensign including political support; personal relationships; and campaign contributions; Specifically focus on any federal legislation proposed, introduced, or supported by U.S. Senator Ensign which benefitted the company.

3) Complete brief corporate biographies for Allegiant Air Inc. and [redacted] [redacted] Identify ties to U.S. Senator Ensign including political support; personal relationships; and campaign contributions. Specifically focus on any federal legislation proposed, introduced, or supported by U.S. Senator Ensign which benefitted the company.

4) Use open-source reporting and/or campaign finance records to determine [redacted] salary while being employed as [redacted] for U.S. Senator Ensign's re-election campaign and leadership Political Action Committee. Use campaign finance records to identify any and all other payments made to [redacted] and the reported reason for such payment.

5) Use open-source reporting and/or campaign finance records to determine [redacted] salary while being employed as [redacted] for U.S. Senator

b6
b7Cb6
b7Cb6
b7C

b7E

Ensign's [REDACTED] Use campaign finance records to identify any and all other payments made to [REDACTED] and the reported reason for such payment.

b6
b7C

Request Duration No

Date of Last Value

Item Status Not Started

Task Priority (2) Normal

Assigned To

Threat Priority

Program

Subprogram

Issue

Description of Analysis

Result of Analysis

Week (by Created Date) 11/30/2009

Week (Modified Date) 11/30/2009

Month (by Created date) 2009/12 (December)

Month (by Modified Date) 2009/12 (December)

Quarter (by Created Date) Q1

Quarter (by Modified Date) Q1

Fiscal Year FY2010

Version: 1.0

Created at 12/2/2009 11:29 AM by [REDACTED] (WF) (FBI)

Last modified at 12/2/2009 11:29 AM by [REDACTED] (WF) (FBI)

b6
b7C

b7E

FD-71
Revised
7-21-2009

FEDERAL BUREAU OF INVESTIGATION
COMPLAINT FORM

ADMINISTRATION

Classification Level:

U☐ FISA Derived

It is noted that the individuals and groups identified during the assessment do not warrant further FBI investigation at this time.

RECEIVED BYName: (WF) (FBI)Email:

Status:

None

Priority:

Routine

Incident Type:

Criminal Activity

Receipt Method:

Fax

Received On:

10/10/2009

Last Updated:

10/10/2009

Originator Type:

Complainant

Originating Agency:

Citizens for responsibility and et...

Originator Telephone:

Responsible Office:

Washington Field

RA:

Responsible Squad (ACS Designation):

RESPONSIBLE INVESTIGATOR

Name

Email

RESPONSIBLE SUPERVISOR

Name

Email

 (WF) (FBI)**SUMMARY**

Synopsis:

Public corruption related to Senator John Ensign. Refer to CR-15, SSA ☐ Sensitive Investigative Matter

Facts of Incident:

In February 2009, upon being informed by Senator Ensign that wanted to return to Nevada, a Mr. suggested that his dormant fundraising and political consulting firm, November Inc. could be revived, giving a base from which to start a government affairs practice. As part of the arrangement, Sen. Ensign agreed to help line up several clients that would pay enough to match or exceed his \$144,000 Senate salary. provided the New York Times with notes he took regarding the agreement he had reached with Senator Ensign.

Occurrence(s):

From:

To:

Time:

Duration:

Duration Units:

COMPLAINANT

Name:

Address:

Date of Birth:

Gender:

F☐ Protect Source

Date of Complaint:

10/6/2009

Time of Complaint:

12:28:00 PM

Telephone:

Email Address:

Complaint Received By:

SUBJECT

Last Name or Organization Name:

ENSIGN

First Name:

JOHN

Middle Initial:

Telephone Number Text:

Social Security Number:

Date of Birth:

Place of Birth:

Gender:

M

Build:

Complexion:

Hair Color:

Eye Color:

Feet:

Inches:

Height:

Weight:

Age:

Facial Hair:

Race:

Accent:

Driver's License Number:

☒ Public Figure(Politician, Celebrity, Community Leader, etc.)

US Person

☒ Yes☐ No☐ Unknown

Description (dress, mannerisms, or statements made):

Address:

Other Names:

Other Addresses:

Scar(s)/Tattoo(s):

Scar/Tattoo Description:

Associate(s):**Weapon(s):**

Weapon Description:

Vehicle(s):**INVESTIGATIVE METHODS****FINDINGS**

Recommended Classification:

Recommended Alpha:

☐ Disseminate to FIG☐ Disseminate to Others

Recommended Action:

Date:

Assessment Findings:

Federal Violation:

SUPERVISOR REVIEW**Responsible Supervisor:**

(WF) (FBI)

REVIEWS

| Period Start Date: | Period End Date: | Days: | Supervisor Decision: | <input type="checkbox"/> | Add Comments |
|--------------------|------------------|-------|---|--------------------------|--------------|
| | | | Reassign to Supervisor | | |
| Period Start Date: | Period End Date: | Days: | Supervisor Decision: | <input type="checkbox"/> | Add Comments |
| | | | No Assessment, Upload to Zero File | | |

Author:

| | | | | | |
|-----------|-----------------|--------|-------------|---------------|----------|
| Division: | Classification: | Alpha: | CPI Code: | File Number: | Case ID: |
| | | | CPOL | 241003 | |

UNCLASSIFIED

WF

58

C

Sub File

58C-WF-241003-3
58C-WF-241003

Serial Number:


2

ATTACHMENTS

📎 File Attachment

Attachment Description:

On 07/08/2009 and 07/09/2009, Las Vegas Channel #1 publically televised a two-part interview with DOUGLAS D. HAMPTON, former Co-Chief of Staff for U.S. Senator JOHN E. ENSIGN (R-NV). This interview was conducted by Jon Ralston, a Political Analyst for the news program "Face-to-Face".

In this interview, HAMPTON discusses U.S. Senator ENSIGN's affair with HAMPTON's spouse. HAMPTON also makes allegations that U.S. Senator ENSIGN intentionally violated federal law by creating a lobbying job for HAMPTON and permitting HAMPTON to lobby his senatorial office immediately after HAMPTON left U.S. Senator ENSIGN's employment. 

The aforementioned televised interview (Parts I and II) lasted approximately thirty-four (34) minutes. This broadcast constituted HAMPTON's first televised interview.

A video copy of the televised interview was downloaded from the Internet and saved to three (3) Compact Discs (CD's). The CD's were filed in the SUB 1A section of the substantive case-file for future reference.

On 11/23/2009, at approximately 11:35 a.m., ABC Nightline News publically televised an interview with DOUGLAS D. HAMPTON, former Co-Chief of Staff for U.S. Senator JOHN E. ENSIGN (R-NV). This interview was conducted by Cynthia McFadden, a ABC Nightline News anchor.

In this interview, HAMPTON discusses U.S. Senator ENSIGN's affair with HAMPTON's spouse. HAMPTON also makes allegations that U.S. Senator ENSIGN intentionally violated federal law by creating a lobbying job for HAMPTON and permitting HAMPTON to lobby his senatorial office immediately after HAMPTON left U.S. Senator ENSIGN's employment.

The aforementioned televised interview lasted approximately fifteen (15) minutes. However, open-source information indicates that HAMPTON was interviewed by ABC Nightline News for several hours.

Copies of the televised interview were recorded to VHS Video Cassette and Compact Disc (CD) and filed in the SUB 1A section of the substantive case-file for future reference.

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/03/2009

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 ~~it~~ (Pending)
58C-WF-241033 SUB MEDIA - (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
FORMER SENATORIAL STAFF MEMBER;

CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: To request opening of Sub-File within substantive case-file.

[REDACTED]

Details: The purpose of this communication is to request the opening of the following Sub-file(s) within the substantive case-file:

1) SUB MEDIA - This sub-file will be used as a repository for all newspaper articles, internet postings, and other open-source media reporting associated with captioned investigation.

♦♦

open sub
media
subfile
12/3/09

b6
b7C

b6
b7C
b7E

b7E

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 12/07/09 Time: 09:43

Case ID: 58C-WF-241033 Serial: 8

Description of Document:

Type : NEWSPAPE
Date : 06/18/09
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: AFTER AFFAIR, SENATOR RESIGNS LEADERSHIP JOB

Reason for Permanent Charge-Out:

TRANSGER TO MEDIA FILE

Transferred to:

Case ID: 58C-WF-241033-MEDIA Serial: 3

Employee:

b6
b7c

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 12/07/09 Time: 09:46

Case ID: 58C-WF-241033 Serial: 9

Description of Document:

Type : NEWSPAPE
Date : 11/19/09
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: ENSIGN DEFENDS PAYMENTS TO WOMAN HE HAD AFFAIR WITH

Reason for Permanent Charge-Out:

TRANSFER TO MEDIA FILE

Transferred to:

Case ID: 58C-WF-241033-MEDIA Serial: 5

Employee:

b6
b7c

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 12/07/09 Time: 09:57

Case ID: 58C-WF-241033 Serial: 10

Description of Document:

Type : NEWSPAPE
Date : 07/08/09
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: HAMPTON SPEAKS PUBLICLY, SAYS ENSIGN PAID SEVERANCE

Reason for Permanent Charge-Out:

TRANSFER TO MEDIA FILE

Transferred to:

Case ID: 58C-WF-241033-MEDIA Serial: 10

Employee:

b6
b7c

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 12/07/09 Time: 10:02

Case ID: 58C-WF-241033 Serial: 11

Description of Document:

Type : NEWSPAPE
Date : 10/14/09
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: DOJ COULD TAKE ENSIGN CASE

Reason for Permanent Charge-Out:

TRANSFER TO THE MEDIA

Transferred to:

Case ID: 58C-WF-241033-MEDIA Serial: 14

Employee:

b6
b7c

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 12/07/09 Time: 10:08

Case ID: 58C-WF-241033 Serial: 12

Description of Document:

Type : NEWSPAPE
Date : 11/16/09
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: ONE-MAN CRUSADE TAKING TOLL ON ENSIGN

Reason for Permanent Charge-Out:

TRANSFER TO MEDIA FILE

Transferred to:

Case ID: 58C-WF-241033-MEDIA Serial: 17

Employee:

b6
b7c

Attached to this communication for inclusion into the substantive case-file is the following:

1) One (1) copy of an E-mail dated 12/02/2009 (with corresponding Attachments) from [redacted] Attorney at Law, [redacted] Las Vegas, Nevada; telephone [redacted]; Email: [redacted] to [redacted] [redacted] United States Department of Justice/Criminal Division/Public Integrity Section, E-mail: [redacted]; and entitled "FW: Emailing: NRSC, [redacted] Email Addresses, Allegiant Air, [redacted] Ensign Home, Hampton November Inc., John Ensign, John Ensign Fictitious, [redacted] NRSC, November Inc". [redacted] was previously identified as retained legal counsel for [redacted].

The aforementioned E-mail provided Washington Field Division with correct E-mail addresses for the following individual(s) as known by [redacted]

a) U.S. Senator JOHN ENSIGN (R-NV):

[redacted]

b) [redacted] of the National Republican Senatorial Committee (NRSC) and [redacted] of NOVEMBER INC.:

[redacted]

c) [redacted] the NRSC and [redacted] of NOVEMBER INC.:

[redacted]

d) [REDACTED]

b6 per OGA
b7C

[REDACTED]

e) [REDACTED] for U.S. Senator
ENSIGN's political committees:

[REDACTED]

f) [REDACTED] for U.S. Senator
ENSIGN:

[REDACTED]

g) [REDACTED] for U.S. Senator
ENSIGN:

[REDACTED]

h) [REDACTED] for NV
ENERGY INC.:

[REDACTED]

i) [REDACTED] for NV ENERGY INC.:

[REDACTED]

j) [REDACTED] for
ALLEGiant AIR TRAVEL COMPANY:

[REDACTED]

k) [REDACTED] ALLEGiant TRAVEL
COMPANY and [REDACTED]

l) [REDACTED] NOVEMBER INC. and

[REDACTED]

b6 per OGA
b7C

. [REDACTED]
m) [REDACTED] the NRSC:

. [REDACTED]
n) [REDACTED] - NRSC employee and [REDACTED]
[REDACTED]

. [REDACTED]
o) [REDACTED] NOVEMBER INC. employee and
[REDACTED] at the NRSC:
[REDACTED]

[Redacted]

From: [Redacted]

b6 per FBI and OGA
b7C

Sent: Thursday, December 03, 2009 2:40 PM

To: [Redacted]

Subject: FW: Emailing: NRSC [Redacted] Email Addresses, Allegiant Air, [Redacted]
[Redacted] Ensign Home, [Redacted] November Inc., John Ensign, John Ensign
Fictitious, [Redacted] NRSC, November Inc

Attachments: NRSC.pdf [Redacted] Email Addresses.doc; Allegiant Air.pdf;
[Redacted] Ensign Home.pdf; [Redacted] November Inc. pdf; John
Ensign.pdf; John Ensign Fictitious.pdf; [Redacted]
NRSC.pdf; November Inc.pdf

[Redacted]

U.S. Department of Justice -Public Integrity Section
1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005
Office [Redacted]
Facsimile - 202.514.3003

From: [Redacted]

Sent: Wednesday, December 02, 2009 7:40 PM

To: [Redacted]

Subject: FW: Emailing: NRSC, [Redacted] Email Addresses, Allegiant Air, [Redacted]
[Redacted] Ensign Home, [Redacted] November Inc., John Ensign, John Ensign Fictitious, [Redacted]
[Redacted] NRSC, November Inc

[Redacted]

[Large Redacted Block]

b6 per OGA
b7C[REDACTED]
Las Vegas, Nevada 89101
[REDACTED]
(702) 474-0739 (Facsimile)
[REDACTED]

The preceding e-mail (including any attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient (s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

> From: [REDACTED]
 > To: [REDACTED]
 > Subject: Emailing: NRSC, [REDACTED] Email Addresses, Allegiant Air [REDACTED]
 [REDACTED] Ensign Home, [REDACTED] November Inc., John Ensign, John Ensign
 Fictitious, [REDACTED] NRSC, November Inc
 > Date: Tue, 1 Dec 2009 20:23:54 -0800

> [REDACTED]

> [REDACTED]

> Your message is ready to be sent with the following file or link
 > attachments:

> NRSC

> [REDACTED]

> Email Addresses

> Allegiant Air

> [REDACTED]

> Ensign Home

> [REDACTED] November Inc.

> John Ensign

> John Ensign Fictitious

> [REDACTED] NRSC

> November Inc

> Note: To protect against computer viruses, e-mail programs may prevent
 > sending or receiving certain types of file attachments. Check your e-mail
 > security settings to determine how attachments are handled.

12/7/2009

Get gifts for them and cashback for you. [Try Bing now.](#)

----- Message from [REDACTED] on Thu, 11 Dec 2008 18:10:57 -0500 -----

Subject: [REDACTED]

----- Message from [REDACTED] on Thu, 11 Dec 2008 18:06:56 -0500 -----

Subject: [REDACTED]

b6 per OGA
b7C

[Redacted]

From: [Redacted]
Sent: Tuesday, May 06, 2008 1:56 PM
To: [Redacted]
Subject: FW: [Redacted] needs

[Redacted]

From: [Redacted]
Sent: Tuesday, May 06, 2008 4:02 PM
To: [Redacted]
Subject: Re: [Redacted] needs

Hi [Redacted]

[Redacted]

From: [REDACTED]
Sent: Friday, December 05, 2008 12:57 PM
To: [REDACTED]
Subject: Update EIS

----- Forwarded by [REDACTED] on 12/05/2008 12:55 PM -----

From: [REDACTED] (Ensign)" [REDACTED]
To: [REDACTED]
Date: 12/05/2008 11:04 AM
Subject: RE: Ely Energy Center Draft EIS

We thought it would be out by now -- DOI seemed ready to go. I am sure they are getting pressure from Reid's office.

From: [REDACTED]
Sent: Friday, December 05, 2008 9:45 AM
To: [REDACTED] (Ensign)
Subject: Re: Ely Energy Center Draft EIS

[REDACTED]
November Inc.
[REDACTED]

Email Addresses

b6 per OGA
b7C

John Ensign – Senator from Nevada

- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted] of NRSC and [redacted] of November Inc.

- [redacted]
- [redacted]

[redacted] at NRSC and [redacted] of November Inc.

- [redacted]
- [redacted]

[redacted]

[redacted] to Senator Ensign

- [redacted]

[redacted] – Ensign Office – [redacted]

- [redacted]

[redacted] – Ensign Office

- [redacted]

NVEnergy

- [redacted] (NV Energy)
- [redacted] (of NVEnergy)

Allegiant Air

- [redacted] (of Allegiant Travel Company)
- [redacted]

November Inc.

- [redacted] at November Inc.)

National Republican Senatorial Committee

- [redacted] reporting directly to John Ensign)
- [redacted]
- [redacted] at NRSC later joined November Inc.)

[Redacted]

Thank you.

[Redacted]

Assistant to

[Redacted]

[Redacted]

[Redacted]

---2008-10-15 10:16:35---

[Redacted]

[Redacted]

From:

[Redacted]

To:

Cc:

Date:

2008-10-15 10:16

Subject:

Visit to Florida

[Redacted]

From: [REDACTED]
Sent: Friday, December 05, 2008 12:57 PM
To: [REDACTED]
Subject: Update EIS

----- Forwarded by [REDACTED] on 12/05/2008 12:55 PM -----

From: [REDACTED] (Ensign)
To: [REDACTED]
Date: 12/05/2008 11:04 AM
Subject: RE: Ely Energy Center Draft EIS

We thought it would be out by now – DOI seemed ready to go. I am sure they are getting pressure from Reid's office.

From: [REDACTED]
Sent: Friday, December 05, 2008 9:45 AM
To: [REDACTED] (Ensign)
Subject: Re: Ely Energy Center Draft EIS

[REDACTED]
November Inc.
[REDACTED]

*NV Energy
correspondence*

[REDACTED]

From:
Sent:
To:
Subject:

[REDACTED]
Thursday, July 10, 2008 1:46 PM

[REDACTED]
Hey, there

[REDACTED]

[Redacted]

From:
Sent:
To:

[Redacted]
Saturday, February 23, 2008 3:40 PM
[Redacted]

[Redacted]

From: [REDACTED]
Sent: Friday, December 12, 2008 9:25 AM
To: [REDACTED]
Subject: RE: Draft EIS

[REDACTED]

From: [REDACTED] (Ensign) [mailto:[REDACTED]]
Sent: Friday, December 12, 2008 9:18 AM
To: [REDACTED]
Subject: RE: Draft EIS

Hi [REDACTED] I have been pounding Interior and can't figure out why this hasn't come out....they said it would. I've been calling [REDACTED] about this with no luck. I'll call again today.

[REDACTED]
U.S. Senator John Ensign (R-Nev.)
119 Russell Senate Office Building
Washington, D.C. 20510-2805
(202) 224-6244 phone
(202) 228-1699 fax

@SIGN UP FOR ENSIGN'S WEEKLY UPDATE

From: [REDACTED]
Sent: Friday, December 12, 2008 12:16 PM
To: [REDACTED] (Ensign)
Subject: Draft EIS

[REDACTED]

[REDACTED]
November Inc.
[REDACTED]

[redacted]
From: [redacted]
Sent: Friday, May 23, 2008 6:03 PM
To: [redacted]
Subject: FW:

b6 per OGA
b7C

From: [redacted]
To: Ensign gmail, John
Sent: May 23, 2008 6:18 PM
Subject:

John

Thanks again

[redacted]
P2SA Equity, LLC

Cell

Sent via BlackBerry by AT&T

b5 per OGA
b6
b7C

b5 per OGA

[redacted]

From: [redacted]
Sent: Wednesday, April 16, 2008 6:08 PM
To: [redacted]
Subject: did you call? I'm sorry

[redacted]

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

From: [REDACTED]
Sent: Friday, December 12, 2008 9:25 AM
To: [REDACTED] (Ensign)
Subject: RE: Draft EIS

[REDACTED]

From: [REDACTED] (Ensign) [mailto:[REDACTED]]
Sent: Friday, December 12, 2008 9:18 AM
To: [REDACTED]
Subject: RE: Draft EIS

Hi [REDACTED] I have been pounding Interior and can't figure out why this hasn't come out....they said it would. I've been calling [REDACTED] about this with no luck. I'll call again today.

[REDACTED]

U.S. Senator John Ensign (R-Nev.)
119 Russell Senate Office Building
Washington, D.C. 20510-2805
(202) 224-6244 phone
(202) 228-1699 fax

@SIGN UP FOR ENSIGN'S WEEKLY UPDATE

From: [REDACTED]
Sent: Friday, December 12, 2008 12:16 PM
To: [REDACTED] (Ensign)
Subject: Draft EIS

[REDACTED]

[REDACTED]

November Inc.

[REDACTED]

b5 per OGA
b6
b7C

[redacted] (Ensign)

From: [redacted]
Sent: Tuesday, February 26, 2008 9:38 AM
To: [redacted] (Ensign)
Subject: Fw: November Inc 2008

[1]

Sent via BlackBerry by AT&T

-----Original Message-----

From: [redacted]

Date: Tue, 26 Feb 2008 09:36:35

To: [redacted]

Subject: November Inc 2008

b6 per OGA
b7C

[REDACTED]

From: [REDACTED]
Sent: Wednesday, May 28, 2008 12:54 PM
To: [REDACTED]
Subject: RE: Hey man

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, May 28, 2008 3:09 PM
To: [REDACTED]
Subject: RE: Hey man

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, May 28, 2008 8:06 AM
To: [REDACTED]
Subject: Hey man



Fw: Our Next Venture

12/14/2008 04:09 PM

This will go out tomorrow.

Looking forward to seeing you guys tonight.

-----Original Message-----

From: [redacted]
To: [redacted]
CC: [redacted]
Sent: Sun Dec 14 16:44:35 2008
Subject: Our Next Venture

[redacted] <<http://www.novemberinc.com>> [redacted]

November Inc. is announcing the partnership of [redacted] in the re-launch of the Nevada-based firm. All three partners are completing their service in senior positions at the National Republican Senatorial Committee, chaired by Senator John Ensign.

November Inc. will focus on providing strategic planning and creative media for political campaigns and corporate clients, as well as a wide array of national fundraising services. In addition, November Inc. will provide comprehensive federal government affairs services for clients throughout the west.

November Inc. will have offices located in Las Vegas and Reno, Nevada, as well as maintain a presence in the nation's capitol.

[redacted] to Senator John Ensign and [redacted] at Sierra Pacific Resources will remain of counsel to November Inc.

The company is proud to announce three new members of the team as well [redacted] from the NRSC as well as a veteran of the Republican Governor's Association and the Republican National Committee; [redacted] another key hand from the fundraising department at the NRSC as well as the Romney for President Campaign; and [redacted] at the NRSC.

November Inc.
P.O. Box 371553 | Las Vegas, NV 89137 | Telephone (702) 304-1414
4790 Caughlin Pkwy., #757 | Reno, NV 89519 | Telephone (775) 636-6199
www.NovemberInc.com



image001.jpg

----- Message from [redacted]@nrsc.org on Thu, 11 Dec 2008 18:08:26 -0500 -----

Subject: [redacted]

58C-WF-241033 - 1A



1



12/17/09
3/10/09

Enclosed for submission into the substantive case-file are copies of E-mail Preservation Letters [with corresponding facsimile cover-sheets] which were served on miscellaneous Internet Service Providers (ISP) in support of captioned investigation:

| Target E-mail Address | Internet Service Provider | Date of Preservation Letter |
|-----------------------|---------------------------|-----------------------------|
| | Yahoo! | 12/10/2009
12/03/2009 |
| | AT&T | 12/04/2009 |
| | AOL | 12/04/2009 |
| | AOL | 12/04/2009 |
| | Cox Communications | 12/03/2009 |
| | Google (G-Mail) | 12/03/2009 |

All of the aforementioned Preservation Letters were served by [redacted] for the U.S. Department of Justice/Criminal Division/Public Integrity Section, via facsimile. Each ISP was directed to preserve all data in their possession for the next ninety (90) days without providing notice to the respective account holder.



093496.in



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 10, 2009

By Fax

Yahoo! Inc.
Compliance Team
701 First Avenue
Sunnyvale, California 94089
FAX: 408-349-7941

Re: **Preservation Request**

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves a Yahoo user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the Yahoo e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other media related to the following customer or subscriber:

[Redacted]

b6 per OGA
b7C

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [Redacted] I also request you provide written confirmation that Yahoo has taken appropriate measures to preserve this information, without notice to the account holder. You can send such confirmation to my attention by e-mail to [Redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,

[Redacted Signature]

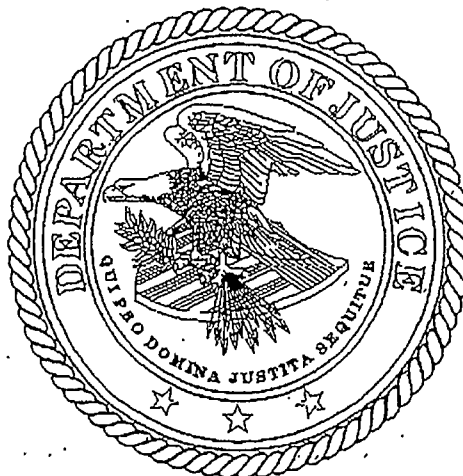
U.S. Department of Justice

TRANSMISSION REPORT

(THU) DEC 10 2009 13:28
DOJ PUBLIC INTEGRITY

| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|-------------|----------|---------|------|--------|
| 4861578-501 | 12.10 13:23 | 12.10 13:23 | 31" | 2 | ECM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 914083497941 | 914083497941 |



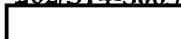
IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

b6 per OGA
b7C

Fax No. 202/514-3003
Voice No. 

DATE: December 10, 2009

PIN-PBB

TO: ATTN: Compliance Team
Yahoo! Inc.

FAX: 408/349-7941

PAGES: 2 (including cover sheet)



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 4, 2009

By Fax

AT&T

National Compliance Center

P. O. Box 24703

West Palm Beach, FL 33416

ATTN: Custodian of Records

FAX: 888-938-4715

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that an AT&T user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the AT&T e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

[Redacted]

b6 per OGA
b7C

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [Redacted] I also request you provide written confirmation that AT&T has taken appropriate measures to preserve this information, without notice to the account holder. You can send such confirmation to my attention by e-mail to [Redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely

[Redacted Signature]

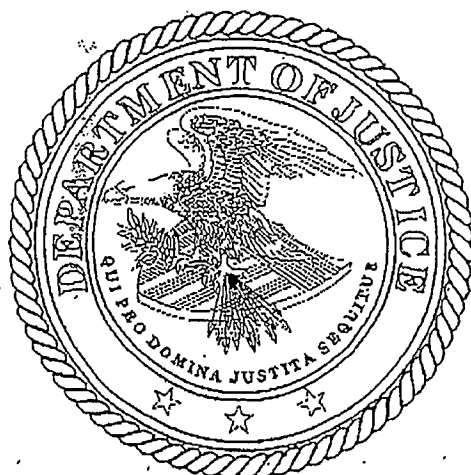
U.S. Department of Justice

TRANSMISSION REPORT

(FRI) DEC 4 2009 17:49
DOJ PUBLIC INTEGRITY

| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|-------------|----------|---------|------|--------|
| 4861578-496 | 12. 4 17:47 | 12. 4 17:48 | 41" | 2 | ECM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 918889384715 | 918889384715 |



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FROM:

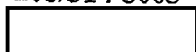


U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

b6 per OGA
b7C

Fax No. 202/514-3003

Voice No.



DATE: December 4, 2009

TO: ATTN: Custodian of Records
AT&T

FAX: 888/938-4715

PAGES: 2 (Including Cover Sheet)

PDN-PBB

As the Custodian of Records,
AT&T



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 4, 2009

By Fax

AOL, LLC

Public Safety and Criminal Investigations Unit

2200 Aolway

Dulles, VA 20166

ATTN: Custodian of Records

FAX: (703) 265-2208

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves several AOL users. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the AOL e-mail addresses listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

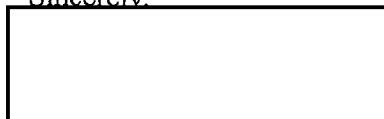


b6 per OGA
b7c

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [redacted] I also request you provide written confirmation that AOL has taken appropriate measures to preserve this information, without notice to the account holder. You can send such confirmation to my attention by e-mail to [redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,



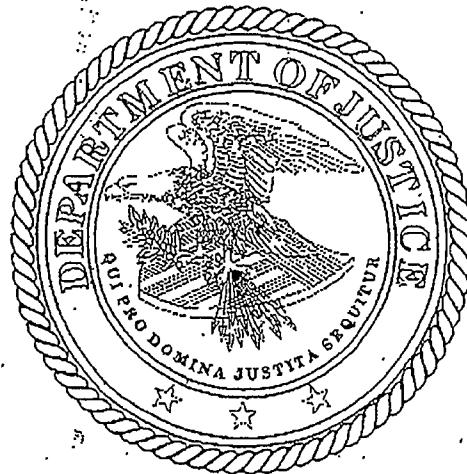
U.S. Department of Justice

TRANSMISSION REPORT

(FRI) DEC 4 2009 17:48
DOJ PUBLIC INTEGRITY

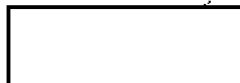
| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|-------------|----------|---------|------|--------|
| 4861578-495 | 12. 4 17:47 | 12. 4 17:47 | 26" | 2 | ECM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 917032652208 | 917032652208 |



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FROM:

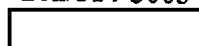


b6 per OGA
b7C

U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003

Voice No.



DATE: December 4, 2009

PIN-PBB

TO: ATTN: Custodian of Records
AOL

FAX: 703/265-2208

703/265-2208

PAGES: 2 (Including Cover Sheet)



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 3, 2009

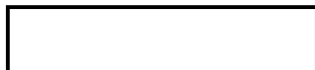
By Fax and Mail

Cox Communications, Inc.
1400 Lake Hearn Drive
Atlanta, GA 30319-1464
ATTN: Records Custodian
FAX: (404) 269-1898

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves a Cox Communications user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the Cox Communications e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:



b6 per OGA
b7c

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [redacted] I also request you provide written confirmation that Cox Communications has taken appropriate measures to preserve this information, without notice to the account holder. You can send such confirmation to my attention by e-mail to [redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,



U.S. Department of Justice

TRANSMISSION REPORT

(THU) DEC 3 2009 18:08
DOJ PUBLIC INTEGRITY

| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|-------------|----------|---------|------|--------|
| 4861578-492 | 12. 3 18:07 | 12. 3 18:07 | 49" | 2 | G3 | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 914042691898 | 914042691898 |



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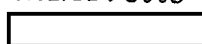
FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003

Voice No.



DATE: December 3, 2009

TO: ATTN: Records Custodian
Cox Communications, Inc.

FAX: 404/269-1898

PAGES: 2 (Including Cover Sheet)

PIN-PBB

ATTN: Records Custodian
Cox Communications, Inc.

b6 per OGA
b7C



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 3, 2009

By Fax

Yahoo! Inc.
Compliance Team
701 First Avenue
Sunnyvale, California 94089
FAX: 408-349-7941

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves a Yahoo user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the Yahoo e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other media related to the following customer or subscriber:

[Redacted]

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

b6 per OGA
b7C

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [Redacted] I also request you provide written confirmation that Yahoo has taken appropriate measures to preserve this information, without notice to the account holder. You can send such confirmation to my attention by e-mail to [Redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,

[Redacted Signature]

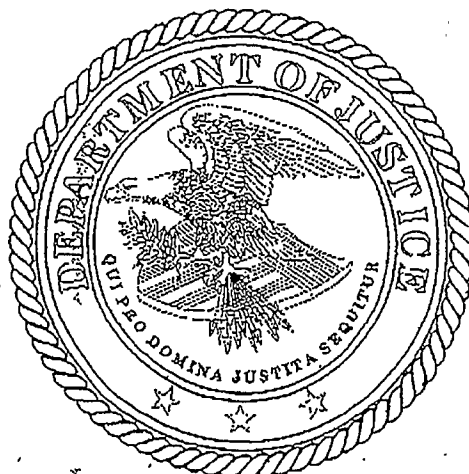
U.S. Department of Justice

TRANSMISSION REPORT

(THU) DEC 3 2009 18:04
DOJ PUBLIC INTEGRITY

| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|-------------|----------|---------|------|--------|
| 4861578-496 | 12. 3 18:02 | 12. 3 18:03 | 24" | 2 | ECM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 914083497941 | 914083497941 |



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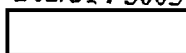
FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003

Voice No.



DATE: December 3, 2009

TO: ATTN: Compliance Team
Yahoo! Inc.

FAX: 408/349-7941

PAGES: 2 (Including Cover Sheet)

PIN-PBB

ATTN: Compliance Team
Yahoo! Inc.

FAX: 408/349-7941

b6 per OGA
b7C



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 3, 2009

By Fax

Google (G-mail)
1600 Amphitheatre Parkway
Mountainview, CA 94043
FAX: 650-649-2939

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves a G-mail user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the G-mail e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

[Redacted]

b6 per OGA
b7C

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [Redacted] I also request you provide written confirmation that Google has taken appropriate measures to preserve this information, without notice to the account holder. You can send such confirmation to my attention by e-mail to [Redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,

[Redacted Signature]

U.S. Department of Justice

TRANSMISSION REPORT

(THU) DEC 3 2009 18:03
DOJ PUBLIC INTEGRITY

| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|-------------|----------|---------|------|--------|
| 4861578-489 | 12. 3 18:02 | 12. 3 18:02 | 42" | 2 | RCM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 916506492939 | 916506492939 |



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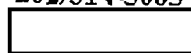
FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003

Voice No.



DATE: December 3, 2009

TO: ATTN: Custodian of Records -
Google (Gmail)

FAX: 650/649-2939

PAGES:

PIN-PBB

ATTN: Custodian of Records -
Google (Gmail)

650/649-2939

b6 per OGA
b7C

POLITICO

FEC members clash over family gifts

By: John Bresnahan
December 18, 2009 04:43 AM EST

Democrats on the Federal Election Commission say that the commission's GOP members have created a loophole in federal election law that would allow wealthy parents to essentially finance a congressional campaign by one of their children.

Two Republicans, Matthew Petersen and Caroline Hunter, say the FEC has failed to take a consistent position on the issue of gifts from family members to congressional candidates, and they signaled that they are unlikely to enforce existing regulations until the commission promulgates a new standard for such cases. Peterson will serve as the FEC's chairman next year, it was announced Thursday.

A third Republican commissioner, Don McGahn, has abstained from voting on the case. Under FEC procedures, a majority of the six commissioners must vote to approve any official action, meaning that the commission is deadlocked.

"The commission's past handling of enforcement matters involving monetary gifts from family members has been inconsistent, to put it charitably," Petersen and Hunter said last week. "The commission's contradictory approaches in past matters involving family gifts provide inadequate notice to the regulated community about what is permitted and what is not."

The GOP statement provoked a sharp response from two of the Democratic commissioners, Eileen Weintraub and Cynthia Bauerly. They pointed out that the Supreme Court had ruled on this issue in 1976, and the FEC has regulations in place that cover it.

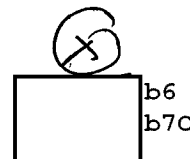
"There already is a regulation on the books governing this situation; we do not need to issue a new rule or policy statement to justify proceeding here," they said.

The partisan dispute inside the FEC could affect Sen. John Ensign (R-Nev.), who is under fire for an affair he had with his former campaign treasurer.

An FEC complaint was filed against Ensign this summer by a watchdog group following the disclosure that Ensign's parents gave \$96,000 to the family of his former mistress, Cindy Hampton. The watchdog group, Citizens for Responsibility and Ethics in Washington, says that gift could be a violation of federal election law and, thus, a potential criminal act. Ensign has denied the money given to Cindy and Doug Hampton was a "severance payment," saying it was an allowable gift from his family to the Hamptons.

At issue in the internal FEC battle is whether to fine James Feldkamp, a former Oregon GOP congressional candidate, for accepting a \$75,000 gift from his mother during the middle of a campaign.

In 2004, Feldkamp was running against Democratic Rep. Peter DeFazio when he received a loan from his mother, Phyllis Feldkamp, of nearly \$35,000. The FEC said the donation violated federal contribution limits and made the Feldkamp campaign return most of the



money.

But two weeks later, Phyllis Feldkamp wrote a \$75,000 personal check to her son from the same bank account as the original loan. James Feldkamp cashed his mother's check, put the funds in his personal bank account and then donated the money — in his own name — to his campaign. Congressional candidates are allowed to loan their campaigns an unlimited amount of personal money for a House or Senate race.

Feldkamp lost the 2004 race by a large margin, but he challenged DeFazio again in 2006.

In March 2006, the Oregon Democratic Party filed a complaint with the FEC about the 2004 gift, asserting that the candidate's personal financial disclosure form showed he wasn't wealthy enough to loan himself \$75,000. Oregon Democrats said Feldkamp "must have received money from another source in violation of campaign finance laws."

The Feldkamp campaign countered that the money was a routine gift from mother to son, part of a pattern of gifts that had existed prior to his run for Congress and thus allowable under federal law. McGahn, then a Republican campaign lawyer and now the FEC commissioner who has recused himself from the case, represented the Feldkamp campaign before the commission.

Following an FEC investigation, the commission's professional staff found "reason to believe" that Feldkamp had received an improper gift from his mother, a decision initially approved by the six-member FEC in December 2006.

However, in October 2008, Republican commissioners on the FEC reversed the earlier decision, and with McGahn abstaining, the commission deadlocked and was unable to determine that Feldkamp and his mother "knowingly and willfully violated" election laws. The case was then closed in Oct. 2008.

When the file on the Feldkamp case became publicly available in January 2009, both Democratic and GOP commissioners remained divided over what the case meant.

On Dec. 11, Petersen and unexpectedly issued a Statement of Reasons explaining their position in the Feldkamp matter, and pointing out that the FEC fined a candidate in 2003 over his handling of a gift from his family, but then declined to investigate a similar episode the following year.

Fred Wertheimer, president and CEO of Democracy 21, a campaign watchdog group, said the three Republican commissioners on the FEC "are blocking enforcement in every area."

"It's a complete rogue agency," Wertheimer added. "These Republican commissioners have basically shut down enforcement at the agency, and it's going to potentially affect any complaints that are sitting there, including [those against] Ensign or anyone else."

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Dec. 27, 2009

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JOHN L. SMITH: Stories that raised the most eyebrows in 2009

When TV show host Howie Mandel uttered the words "Deal or no deal," who knew he'd be outlining U.S. Senate Majority Leader Harry Reid's strategy for buying -- I mean winning -- votes for his health care reform bill?

The congressional health care fight, the economy, the mortgage crisis, the wars in Iraq and Afghanistan: those were among the top 10 stories of the year.

But what about the other end of the news spectrum?

The sordid story of O.J. Simpson and the missing memorabilia edged out Gov. Jim Gibbons' text message liaison with Kathy Karrasch for the best of the worst stories of 2008.

Those were a couple of sick puppies, but they're almost tame compared to this year's biggest losers in the 20th anniversary edition of my Bottom 10.

No. 10. PHILLIES' FANATIC: MGM Mirage CEO Jim Murren has a lot to be proud of after managing to open the \$8.5 billion CityCenter project. But chances are good he won't be bragging about his minor league playing days after it was revealed he had overstated his athletic résumé as a member of the Phillies' organization.

No. 9. SENATOR SNIDE: Reid tells Las Vegas Review-Journal advertising boss Bob Brown he hopes the newspaper goes out of business. Publisher Sherman Frederick reminds Reid who buys ink by the barrel.

No. 8. GOODMAN'S GAFFE: I know what you're thinking: which one? When a tipsy Las Vegas Mayor Oscar Goodman calls a local woman a "short, fat Bette Midler" during a charity auction, it proves the possible gubernatorial candidate needs a governor on his mouth.

No. 7. NINA'S NO-NO: When a local car repair owner shop gets in a jam thanks to a KTNV-TV, Channel 13 investigative reporter, station anchor Nina Radetich is surreptitiously recorded offering the assistance of her boyfriend to help with the owner's PR problems. Radetich gets ripped, but keeps her job.

No. 6. LOWDEN BOMBS: When Republican U.S. Senate hopeful Sue Lowden follows a radio chat host's lead and makes light of an attempt to bomb then-Gaming Commissioner Harry Reid, she winds up with political powder burns.

No. 5. KROLICKI'S CAKEWALK: Proving not all his luck is bad, Lt. Gov. Brian Krollicki sees charges he misused millions of dollars in state funds dismissed. Attorney General Catherine Cortez Masto is now the one working to salvage her once-shiny image.

No. 4. GRAVEL BRAINS: When juice-heavy Las Vegas Paving wins a lucrative road contract

despite being underbid by more than \$4 million, it makes County Commission observers wonder whether its members have rocks between their ears.

No. 3. TEA PARTY POOPERS: When the made-for-TV anti-tax tea party hits town, there's talk of revolution. When it leaves, so do the news cameras, and the movement falls flat. The party poopers spend the rest of the summer shouting at members of Congress in town hall meetings.

No. 2. SANFORD & SONS: UNLV's sorry football team finally loses enough games by wide enough margins to force the ouster of nice-guy coach Mike Sanford. The new coach has little left to salvage.

No. 1. ENSIGN'S EMBARRASSMENT: Meet U.S. Sen. John Ensign, R-No-Tell Motel, the gift who keeps on giving. After falling off his Christian high horse and admitting an affair with staffer Cindy Hampton, who happened also to be his pal's wife, it was learned his parents attempted to smooth over the affair with \$96,000.

That buys a lot of aspirin, but it will take more than that to cool the anger of Hampton's husband, Doug.

When his ham-handed attempt to find Hampton work backfires, it ensures the Ensign affair and the damage it inflicts on Senator Sanctimony's political career will continue to bleed far into 2010.

With that kind of hemorrhaging, you'd think Ensign would have voted for health care reform.

John L. Smith's column appears Sunday, Tuesday, Wednesday and Friday. E-mail him at Smith@reviewjournal.com or call (702) 383-0295. He also blogs at lvvj.com/blogs/smith.

Find this article at:

<http://www.lvrj.com/news/stories-that-raised-the-most-eyebrows-in-2009-80158642.html>

☐ Check the box to include the list of links referenced in the article.

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Enclosed for submission into the substantive case-file is one (1) copy of a Memorandum dated 10/13/2009 and entitled "Important Notice Regarding Retention Procedures". This memorandum was authored by [REDACTED] and addressed to all employees/office personnel working for U.S. Senator JOHN E. ENSIGN's (R-NEVADA) senatorial office. [REDACTED] was identified as the [REDACTED] for U.S. Senator ENSIGN's office.

The aforementioned Memorandum serves as a Preservation Letter for all documents/correspondence/E-mail/etc. between senatorial staffers and [REDACTED] NV ENERGY INCORPORATED, and/or ALLEGIANT AIRLINES; as well as other related records.

A copy of the aforementioned Memorandum was provided to the Federal Bureau of Investigation (FBI) on 12/10/2009 via E-mail by [REDACTED] for the U.S. Department of Justice/Criminal Division/Public Integrity Section.

Copies of the aforementioned Memorandum and transmitting E-mail are attached to this communication for future reference.

Memorandum

To: All Employees and Office Personnel

From: [REDACTED]

Date: October 13, 2009

Re: Important Notice Regarding Document Retention Procedures

b6 per OGA
b7C

Please be advised of the following:

Effective immediately, and until further notice, do not destroy, delete, alter, or remove any documents or records (both duplicates and originals) that relate to [REDACTED]

[REDACTED] This directive specifically includes, but is not limited to:

- All correspondence to, from, and about [REDACTED]
- Any work performed by [REDACTED] before, during, and after their tenure with Senator Ensign's official office and/or campaign;
- Any files or records that [REDACTED] maintained while they were employees of Senator Ensign's official office and/or campaign;
- All employment records maintained for current and past employees of Senator Ensign's official office and campaign, including, but not limited to, [REDACTED]
- Any communications to, from, and about NVEnergy and/or Allegiant Airlines, including any communications involving or related to these entities and/or their employees; and
- Any information regarding payments to [REDACTED] made by any person;

If it becomes necessary to collect these documents, formal instructions will be provided to you.

To be clear, the terms "documents" and "records" include *all typed, handwritten, and electronic documents and records* of any kind, including files, faxes, emails, electronic memoranda, phone records, and the like. For persons responsible for destructing older records after a specified passage of time, this memorandum immediately supersedes those responsibilities and any prior instructions on the subject.

Failure to comply with this directive will carry serious consequences. If you have any questions regarding this directive, please contact me. Thank you for your cooperation in this matter.

[Redacted]

From: [Redacted]
Sent: Thursday, December 10, 2009 1:54 PM
To: [Redacted]
Subject: FW: MANDATORY Document Retention Policy
Importance: High
Attachments: Ensign Doc Retention Memo.pdf

b6 per OGA/FBI
b7C

[Redacted]

Attached is the document retention memo that covers preservation of all of Ensign's office's email.

[Redacted]

*U.S. Department of Justice -Public Integrity Section
1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005
Office - [Redacted]
Facsimile - 202.514.3003*

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/07/2010

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 ~~10~~ (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
FORMER SENATORIAL STAFF MEMBER;

CORRUPTION FEDERAL PUBLIC OFFICIALS -

LEGISLATIVE BRANCH
[REDACTED]

Synopsis: Case Status Update/Assignment of local federal prosecutor to captioned investigation.

Details: Captioned public corruption investigation is currently being investigated by Special Agents assigned to Washington Field Division/Northern Virginia Resident Agency/Squad CR-15. This matter is being prosecuted by Trial Attorney [REDACTED] United States Department of Justice/Criminal Division/Public Integrity Section; office telephone [REDACTED] cellular telephone [REDACTED] E-mail address: [REDACTED]@usdoj.gov.

Referral/Consult

The local federal prosecutor assigned to this matter was identified as AUSA [REDACTED] United States Attorney's Office for the District of Columbia/Public Corruption and Government Fraud Section; office telephone [REDACTED] E-

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UNCLASSIFIED

To: Washington Field From: Washington Field
Re: 58C-WF-241033, 01/07/2010

mail address: @usdoj.gov.

b6
b7c

♦♦

[redacted]
From: [redacted]**Sent:** Thursday, January 07, 2010 4:07 PM**To:** [redacted] (CRM)**Subject:** FW: CONTACT INFORMATION PER YOUR REQUEST / ~~Initial Contact~~**Sensitivity:** Confidential [redacted]b6
b7C

[redacted]

I just spoke with [redacted]. He stated he is willing to speak with me. [redacted] commented that he has nothing to hide and would like to get this matter out-in-the-open so everyone can move on. However, he reported having counsel [redacted] of Baker-Hostetler in WDC; telephone [redacted] representing his interests in the Senate Ethics inquiry. As such, he wanted to bring [redacted] in the loop before agreeing to meet with me since he was unfamiliar with the legality of such matters.

[redacted] was in his car at the time of my call. As such, he asked that I E-mail him all of my contact information (see attached Email). He will speak with [redacted] and get back to me either directly or through his attorney.

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b7C

[redacted] is back in Las Vegas, NV on a full-time basis. However, he maintained traveling back to WDC periodically.

I'm assuming [redacted] attorney will be returning my call as opposed to [redacted]. When he does, I'll refer him to you. Since [redacted] attorney is based in DC, [redacted] may be apt to come here.

[redacted] Special Agent
Federal Bureau of Investigation
WFO / Northern Virginia Resident Agency
Direct: [redacted]
Cell: [redacted]

From: [redacted]**Sent:** Thursday, January 07, 2010 3:51 PM**To:** [redacted]**Subject:** CONTACT INFORMATION PER YOUR REQUEST**Sensitivity:** Confidentialb6
b7C

[redacted]

Thank you for taking the time to speak with me earlier today. As discussed, I am interested in meeting with you in-person to discuss the matter regarding U.S. Senator Ensign and Doug Hampton which was publically reported in the 10/2009 edition of the New York Times. This inquiry is completely independent of the Senate Ethics investigation which you referenced and have sought legal counsel for.

As you requested, I am forwarding you all of my contact information (see below). Depending on your schedule and availability, I am willing to meet with you at a location in Las Vegas or Washington, D.C. If meeting in Las Vegas is preferred, I have the ability to travel to Las Vegas during the week of February 1, 2010.

I appreciate your willingness to discuss this matter with me. However, I also understand your interest in consulting with your attorney before you agree to meet with me. Once you have spoken with your legal representative, please contact me directly or have you're retained counsel reach out for me.

Thanks again and I look forward to meeting with you in the near future.

My best,

1/7/2010

58C-WF-241033-19

[redacted]

01-07-2010

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b7c

[redacted] Special Agent
Federal Bureau of Investigation
Washington Field Office / Northern Virginia Resident Agency
9325 Discovery Boulevard, Manassas, VA 20109-3992
Direct: [redacted]
Fax: [redacted]
Cell: [redacted]
Email: [redacted]@ic.fbi.gov

1/7/2010



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

January 7, 2010

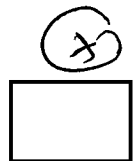
To: [redacted] Trial Attorney
U.S. Department of Justice
Criminal Division/Public Integrity Section

From: [redacted] Special Agent
Federal Bureau of Investigation
Northern Virginia Resident Agency

RE: U.S. SENATOR JOHN E. ENSIGN,
U.S. SENATE (STATE OF NEVADA);
[redacted]
FORMER SENATORIAL STAFF MEMBER;
CFPO - LEGISLATIVE BRANCH

Case File: 58C-WF-241033 -20

b6
b7C



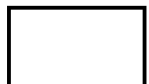
VIA FEDERAL EXPRESS

Per your earlier request, I am forwarding you working
copies of the following documents:

- 1) Copy of SA [redacted] hand-written notes taken
during [redacted]
- 2) Copy of [redacted] dated [redacted] and
signed by [redacted]
- 3) Copy of witness/subject telephone chart created
by [redacted] and provided to the FBI on
[redacted]
- 4) Copy of folder entitled [redacted] containing
documents compiled by [redacted] and
provided to the FBI on [redacted]
- 5) Copy of Compact Disc (with associated
correspondence) containing miscellaneous documents
compiled by [redacted] Compact Disc
was provided to the FBI on/about [redacted] via
Federal Express through [redacted] retained
counsel.
- 6) Copy of FBI Analyst work-product detailing New York
Times newspaper article.

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b7D

0007b.1hm



Original copies of the received documents will be maintained by the FBI for evidentiary purposes. Should you have any questions, please feel free to contact me at [redacted] or via E-mail at [redacted]@ic.fbi.gov.

b6
b7c

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/19/2010

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033-21 (Pending)
58C-WF-241033 SUB 302 (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
FORMER SENATORIAL STAFF MEMBER;

CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH

Synopsis: To request opening of Sub-File within substantive case-file.

[REDACTED]

Details: The purpose of this communication is to request the opening of the following Sub-file(s) within the substantive case-file:

1) SUB 302 - This sub-file will be used as the primary repository for all FD-302's which document the results of subject interviews, witness interviews, and other investigative actions which may be considered testimonial in nature.

♦♦

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0019A.ec

58C-WF-241033 -23

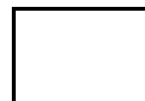


1

On 01/20/2010, SA [redacted] Washington Field
Division/Squad CR-15. conducted an [redacted]
[redacted] date of
birth [redacted], social security account number [redacted] in
furtherance of captioned investigation.

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b7E

Results of the aforementioned [redacted]
[redacted] are attached to this communication for inclusion
into the substantive case-file.



FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/20/2010

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033-2X (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
FORMER SENATORIAL STAFF MEMBER;
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: To submit photograph of captioned subject(s) into substantive case-file.

[REDACTED]

Enclosure(s): Enclosed for inclusion into the substantive case-file is one (1) undated photograph of U.S. Senator JOHN E. ENSIGN (R-Nevada), date of birth 03/25/1958, social security account number 530-66-6961; [REDACTED]

[REDACTED] date of birth [REDACTED]
[REDACTED] date of birth [REDACTED] and [REDACTED]
[REDACTED] date of birth [REDACTED] social security account number [REDACTED]

Details: The purpose of this communication to submit a photograph of captioned subject(s) and their respective spouses into the substantive case-file. The enclosed photograph was obtained through the internet.

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U.S. Senator JOHN E. ENSIGN; DARLENE ENSIGN; CYNTHIA HAMPTON; and
former Senatorial Staffer DOUGLAS HAMPTON

Date 01/20/2010

☐ Birth ☐ Credit ☒ Criminal ☐ Death ☐ INS ☐ Marriage* ☒ Motor Vehicle ☐ Other _____

| | |
|---|-----------------------------------|
| To
NCIC OPERATION | Buded |
| Return to
SA [redacted] WFO/NVRA/CR-15 | File Number
58C-WF-241033 - 2X |

Name and aliases of subject, applicant, or employee, and spouse

ENSIGN, John Eric

(X)

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| | |
|----------------------|------------------------------|
| Address
Residence | [redacted] Las Vegas, Nevada |
| Business | United States Senator |
| Former | |

* Date and place of marriage
(if applicable)

| | | | | | | |
|--------------------------------------|---|-----|--------|--------------------|------|------|
| Race
White | Sex
<input type="checkbox"/> Female
<input checked="" type="checkbox"/> Male | Age | Height | Weight | Hair | Eyes |
| Birth date
[redacted] | Birthplace
Nevada | | | | | |
| Arrest Number | Fingerprint classification | | | Criminal specialty | | |
| Social Security Number
[redacted] | Drivers License Number
<input type="checkbox"/> D/L Photo <input type="checkbox"/> Other | | | | | |

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Specific information desired

Criminal History; Wants/Warrants: Nevada DMV records;

Results of check



58C-WF-241033
[redacted] [redacted]

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58C-WF-241033 - 28

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On 01/20/2010, SA [redacted] Washington Field
Division/Squad CR-15, conducted an [redacted]
[redacted] for U.S. Senator JOHN ERIC ENSIGN
(R-Nevada), date of birth [redacted] social security account
number [redacted] in furtherance of captioned investigation.

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Results of the aforementioned [redacted]
[redacted] are attached to this communication for inclusion
into the substantive case-file.

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Date 01/20/2010

☐ Birth ☐ Credit ☒ Criminal ☐ Death ☐ INS ☐ Marriage* ☒ Motor Vehicle ☒ Other NCIC

| | |
|---|----------------------------------|
| To
NCIC OPERATOR | Buded |
| Return to
SA WFO/NVRA/CR-15 | File Number
58C-WF-241033 -29 |

Name and aliases of subject, applicant, or employee, and spouse

Address
Residence Las Vegas, Nevada 89134

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Business

Former

* Date and place of marriage
(if applicable)

| | | | | | | |
|--|--|--|--|---|------|------|
| Race
White | Sex
<input type="checkbox"/> Female
<input checked="" type="checkbox"/> Male | Age | Height
 | Weight | Hair | Eyes |
| Birth date
 | | Birthplace
 | | | | |
| Arrest Number | | Fingerprint classification | | Criminal specialty | | |
| Social Security Number
 | | | | Drivers License Number
<input type="checkbox"/> D/L Photo <input type="checkbox"/> Other | | |

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Specific information desired

Criminal History; Wants/Warrants: Nevada DMV records;

Results of check

58C-WF-241033

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58C-WF-241033 -30

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On 01/06/2010, [REDACTED] United States Department of Justice/Criminal Division/Public Integrity Section, made an informal E-mail request to Calvin L. Scovel, Inspector General for the United States Department of Transportation/Office of Inspector General (DOT/OIG), which sought the voluntary disclosure of the following documents:

- 1) Any and all documents related to any contact made by U.S. Senator JOHN E. ENSIGN; or anyone from ENSIGN's senatorial office, including but not limited to, [REDACTED] to [REDACTED] the Secretary of the United States Department of Transportation (DOT) and/or his/her staff between 01/01/2008 and 12/31/2009.
- 2) Any and all documents related to any contact made by [REDACTED] NOVEMBER INC., [REDACTED] and/or ALLEGIANT AIR LLC; and the Secretary of DOT and/or his/her staff between 01/01/2008 and 12/31/2009.

On 01/20/2010, Robert S. Rivkin, General Counsel for DOT's Office of the Secretary, 1200 New Jersey Avenue SE, Washington, D.C., positively responded to this request and provided [REDACTED] with approximately one hundred and forty-seven (147) pages of miscellaneous documents. Original copies of the received documents were subsequently provided to the Federal Bureau of Investigation (FBI) on 01/22/2010 via Federal Express deliver.

The received documents will be reviewed by SA [REDACTED] [REDACTED] Washington Field Division/Squad CR-15 in furtherance of captioned investigation and filed in the SUB 1A section of the substantive case-file for future reference.

Duplicate copies of DOJ's informal request dated 01/06/2010 and DOT's response dated 01/20/2010 are attached to this communication for quick reference.

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**U.S. Department
of Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, SE
Washington, DC 20590

January 20, 2010

CONFIDENTIAL

[REDACTED]
U.S. Department of Justice –Public Integrity Section
1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005

b6 per OGA
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Dear [REDACTED]

Pursuant to your attached emails to Calvin Scovel and our meeting of today, I enclose Department of Transportation (DOT) documents related to contacts with Senator John Ensign and his staff as well as with certain listed individuals for the years 2008 and 2009. As we discussed, I have redacted a couple of documents so as to protect privileged information relating to a DOT enforcement proceeding.

I am tendering these documents on the understanding that they will be kept confidential, and that the Public Integrity Section will return them at the conclusion of its investigation.

Please do not hesitate to contact me if I can be of further assistance with your inquiry.

Sincerely,


Robert S. Rivkin

Enclosure

Scovel, Calvin L.

From: [REDACTED]
Sent: Wednesday, January 06, 2010 11:52 AM
To: Scovel, Calvin L.
Subject: Request for documents

b6 per OGA
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General Scovel,

[REDACTED]

1. Any and all "documents" related to any contact made by U.S. Senator John Ensign, or anyone from his office including but not limited to [REDACTED] to the Secretary of Transportation and their staff between January 1, 2008 and December 31, 2009.

2. Any and all "documents" related to any contact made by any one or more of the following people/entities listed below to the Secretary of Transportation and their staff between January 1, 2008 and December 31, 2009 and;

b5 per OGA

- a. [REDACTED]
- b. [REDACTED]
- c. November, Inc.
- d. [REDACTED]
- e. [REDACTED]
- f. Allegiant Airlines

For purposes of this request, the term "documents" includes writings or records of every kind or character, conveying information by mechanical, electronic, photographic, or other means, whether encarded, taped, stored or coded electrostatically, electromagnetically, or otherwise. "Documents" includes but is not limited to correspondence, e-mail, notes, memoranda, minutes, summaries, telephone records, telephone message logs or slips, calendars, date books, interoffice communications, results of investigations, videotapes, audiotapes, microfiche, microfilm, any electronic media, and accounting and financial records of any kind (including checks (front and back), wire transfers, cash payments or receipts, and check requests). "Documents" refers to any record in the Office's possession, custody, or control, and "documents" includes all drafts or unfinished versions of documents.

Please let me know if you need any additional information or clarification or require additional time to gather the requested materials.

V/r,

[REDACTED]

b6 per OGA
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[REDACTED]
U.S. Department of Justice - Public Integrity Section
1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005
Office [REDACTED]
Facsimile - 202.514.3003

Scovel, Calvin L.

From: [REDACTED]
Sent: Tuesday, January 12, 2010 4:56 PM
To: Scovel, Calvin L.
Subject: Supplemental Information

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General Scovel,

b5 per OGA

V/r,

b6 per OGA
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[REDACTED]
U.S. Department of Justice -Public Integrity Section
1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005
Office - [REDACTED]
Facsimile - 202.514.3003

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/25/2010

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 *3X* (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
FORMER SENATORIAL STAFF MEMBER;
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: Request for captioned investigation to be placed into
Restricted Access status in Automatic Case System (ACS).

Details: In 10/2009, Washington Field Division/Squad CR-15

[REDACTED] pertaining
to allegations of criminal misconduct by sitting United States
Senator JOHN E. ENSIGN (R-Nevada) and current/former members of
U.S. Senator ENSIGN's senatorial staff. Due to the sensitive
nature of this investigation and the resulting media attention,
it is necessary to restrict ACS access to captioned matter in
order to avoid compromising the investigation and/or the identity
of potential witnesses.

The following personnel should be granted permanent
access to this restricted investigation:

ADIC Shawn Henry
A/ADIC John G. Perren ✓
SAC Andrew J. Castor ✓
SAC Jean M. Andersen ✓
SSA [REDACTED]
ADC [REDACTED]
SA [REDACTED]
SIA [REDACTED] ✓
IA [REDACTED]

WFO/Appointed ADIC
WFO/Acting ADIC
WFO/Criminal Division
WFO/Criminal Branch II
WFO/CR-15
WFO/Squad A-6
WFO/Squad CR-15
WFO/Squad ID-3
WFO/Squad CR-15/ID-3

*Restrict access to
all, except those
listed below.*
[REDACTED]
1/25/10

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To: Washington Field From: Washington Field
Re: 58C-WF-241033, 01/25/2010

| | | | |
|-----|--------------|-----------------|-----|
| SST | [redacted] ✓ | WFO/Squad CR-15 | b6 |
| UC | [redacted] ✓ | FBIHQ/CID/PCU | b7c |
| SSA | [redacted] | FBIHQ/CID/PCU | |
| SSA | [redacted] ✓ | LV/Squad 13 | |

It is noted that other FBI agents and/or personnel may be provided access to captioned investigation, either on a permanent or temporary basis, in the future as deemed appropriate.

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58C-WF-241033

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On 01/05/2010, [REDACTED] United States Department of Justice/Criminal Division/Public Integrity Section, made a formal written request to the Office of U.S. Senator JOHN E. ENSIGN seeking the disclosure of certain documents in furtherance of captioned investigation. This formal request was made to the Office of U.S. Senator JOHN E. ENSIGN through [REDACTED] with the Law Office of Fish & Richardson, P.C., 1717 Main Street, Suite 5000, Dallas, Texas 75201. [REDACTED] is retained legal counsel for U.S. Senator JOHN E. ENSIGN (D-Nevada). (X)

Production of the requested documents was required by 01/22/2010 absent any approved dead-line extension. The requested documents were identified as follows:

- 1) Any documents related to the following persons or entities for the time-period of 01/01/2005 through 01/04/2010: NEVADA POWER; SIERRA PACIFIC RESOURCES; NV ENERGY; [REDACTED] ALLEGiant AIR; [REDACTED] DESIGN GROUP; [REDACTED] P2SA EQUITY LLC; [REDACTED] and post-employment restrictions on former government employees per Title 18 United States Code 207 and Senate Rule 37.9.
- 2) Any documents regarding any of the following persons or entities for the time-period of 12/01/2007 through 01/04/2010: NOVEMBER INC.; [REDACTED]

It should be noted that a copy of this formal written request was "courtesy-copied" to Mr. Morgan J. Frankel, Legal Counsel for the United States Senate.

A copy of the formal written request dated 01/05/2010 from the United States Department of Justice (DOJ) which seeks production of the aforementioned documents is attached to this communication for placement into the substantive case-file.

100285 in



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

January 5, 2010

Via Email

[Redacted]
1717 Main Street
Suite 5000
Dallas, TX 75201

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Re: Request for Documents from the Office of U.S. Senator John Ensign

Dear [Redacted]

b5 per OGA

1. For the time period January 1, 2005 through January 4, 2010, any documents¹ regarding any of the following persons, entities or matters regardless of whether the person, entity or matter is mentioned by name in the document:

- a. Nevada Power
- b. Sierra Pacific Resources
- c. NV Energy
- d. [Redacted]
- e. [Redacted]
- f. [Redacted]
- g. Allegiant Air
- h. [Redacted]
- i. [Redacted]

b6 per OGA

b7C

¹ For purposes of all requests in this letter, the term "documents" includes writings or records of every kind or character, conveying information by mechanical, electronic, photographic, or other means, whether encarded, taped, stored or coded electrostatically, electromagnetically, or otherwise. "Documents" includes but is not limited to correspondence, e-mail, notes, memoranda, minutes, summaries, telephone records, telephone message logs or slips, calendars, date books, interoffice communications, results of investigations, videotapes, audiotapes, microfiche, microfilm, any electronic media, and accounting and financial records of any kind (including checks (front and back), wire transfers, cash payments or receipts, and check requests). "Documents" refers to any record in the Office's possession, custody, or control, and "documents" includes all drafts or unfinished versions of documents.

- j. [redacted] Design Group
- k. [redacted]
- l. P2SA Equity, LLC
- m. [redacted]
- n. [redacted]
- o. Post-employment restrictions on former government employees, including but not limited to, 18 U.S.C § 207 and Senate Rule 37.9.

2. For the time period December 1, 2007 through January 4, 2010, any documents regarding any of the following persons, entities or matters regardless of whether the person, entity or matter is mentioned by name in the document:

- a. November, Inc.

- b. [redacted]
- c. [redacted]
- d. [redacted]
- e. [redacted]

Please produce all responsive documents by January 22, 2009, unless a later date is subsequently agreed to by the undersigned. Responsive documents should be produced to:

FBI Special Agent [redacted]
9325 Discovery Boulevard
Manassas, VA 20109
telephone [redacted]

Thank you for your cooperation in this matter. Please let us know if any issues arise or if you have any questions.

Very truly yours,

[redacted]

PUBLIC INTEGRITY SECTION

[redacted]

c.c.: Morgan Frankel, Esq., Senate Legal Counsel (via email)

On 01/26/2010, the Office of U.S. Senator JOHN E. ENSIGN voluntarily provided the United States Department of Justice/Criminal Division/Public Integrity Section (DOJ/PIN) with an Excel spreadsheet identifying all of U.S. Senator ENSIGN's current and former employees for the time-period of 01/2005 through 01/2010. This comprehensive list identified each current/former senatorial staffer by name, job title, duty station, and dates of employment.

The aforementioned Excel spreadsheet contained the names of ninety (90) current/former members of U.S. Senator ENSIGN's staff. This list was provided to DOJ/PIN via E-mail [and subsequently forwarded to Washington Field Division/Squad CR-15 for investigative consideration] by [redacted] with the Law Offices of Locke, Lord, Bissell, & Liddel LLP, 2200 Ross Avenue, Suite 2200, Dallas, Texas 75201; direct telephone [redacted]; E-mail address: [redacted]. [redacted] was identified as retained legal counsel for U.S. Senator ENSIGN and U.S. Senator ENSIGN's congressional office.

Through the transmitting E-mail dated 01/26/2010, [redacted] further represented that the hard-drives of computers utilized by eleven (11) current/former members of U.S. Senator ENSIGN's staff have been imaged pursuant to a formal request by the United States Senate Ethics Committee. The eleven (11) current/former staffers were identified as follows:

- 1) JOHN E. ENSIGN
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)
- 8)
- 9)
- 10)
- 11)

A copy of the 01/26/2010 E-mail (with attached Excel spreadsheet) from [redacted] is attached to this communication for placement into the substantive case-file.

[REDACTED]

From: [REDACTED]

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Sent: Friday, January 29, 2010 4:39 PM

To: [REDACTED] (USADC); [REDACTED]

Subject: FW: PLEASE USE THIS Updated List

Attachments: Ensign Staff List (1 05 - 1 10).xls

FYI - For our call on Monday.

[REDACTED]
U.S. Department of Justice -Public Integrity Section
1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005
Office - [REDACTED]
Facsimile - 202.514.3003

From: [REDACTED]
Sent: Tuesday, January 26, 2010 5:12 PM
To: [REDACTED]
Subject: FW: PLEASE USE THIS Updated List

[REDACTED]

Attached as you requested is a list of Senator Ensign's current and former employees in his official offices from January 2005 to January 2010. As you will note, for each employee we included the job title, duty station and start and end dates of employment.

Of the ninety employees on the attached list, the hard drives of the following are being imaged pursuant to the request of the Senate Ethics Committee:

1. Senator John Ensign.

2
3
4
5
6
7
8
9
1
1

[REDACTED]

In addition, two servers are being imaged.

I greatly appreciate your willingness to work with us in narrowing your document request. As I mentioned last week, searching the computers of all current and former employees from 2005 to the present would yield hundreds of thousands of documents. To expedite the production, please review the list of individuals whose hard drives are being imaged to determine if this list covers your needs. Once we reach agreement on the number of hard drives to be imaged, I suggest that we work on search terms.

Again, thanks for your patience and understanding. Please call with any questions or comments or if I can assist you in any way.

2/2/2010

b6 per OGA
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[REDACTED]
[REDACTED]
Locke Lord Bissell & Liddell LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201

[REDACTED] Direct
214-756-8104 Fax

[REDACTED]
www.lockelord.com

Atlanta, Austin, Chicago, Dallas, Houston, London, Los Angeles, New Orleans, New York, Sacramento, San Francisco, Washington DC

2/2/2010

| Last Name | First Name | Title | Duty Station | Start Date | End Date |
|-----------|------------|-------|--------------|------------|------------|
| | | | | 1/9/2006 | 12/21/2007 |
| | | | | 1/3/2001 | |
| | | | | 2/12/2007 | 9/30/2009 |
| | | | | 1/9/2001 | |
| | | | | 6/30/2004 | 4/21/2005 |
| | | | | 4/16/2007 | 7/15/2007 |
| | | | | 1/7/2003 | 4/18/2008 |
| | | | | 1/3/2001 | 1/1/2007 |
| | | | | 5/8/2007 | 11/6/2009 |
| | | | | 1/17/2008 | |
| | | | | 1/29/2007 | 1/19/2008 |
| | | | | 4/23/2007 | 12/31/2009 |
| | | | | 9/14/2009 | |
| | | | | 1/25/2001 | 1/16/2005 |
| | | | | 8/21/2009 | |
| | | | | 10/14/2008 | |
| | | | | 9/4/2007 | |
| | | | | 6/5/2006 | 8/2/2007 |
| | | | | 8/22/2003 | 2/10/2007 |
| | | | | 11/3/2009 | |
| | | | | 1/1/2003 | 1/9/2007 |
| | | | | 7/23/2009 | |
| | | | | 1/16/2001 | |

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| | | |
|--|-----------|-----------|
| | 12/1/2008 | |
| | 6/2/2006 | |
| | 6/16/2001 | |
| | 5/9/2005 | 3/10/2007 |
| | 2/23/2004 | 1/30/2005 |
| | 2/14/2003 | 10/7/2007 |
| | 1/5/2001 | |
| | 11/8/2006 | 5/2/2008 |
| | 7/24/2007 | |
| | 2/28/2005 | 4/11/2006 |
| | 3/9/2007 | |
| | 2/1/2001 | 1/8/2007 |
| | 1/30/2004 | 6/18/2007 |
| | 2/20/2001 | 5/1/2007 |
| | 10/1/2007 | |
| | 8/11/2003 | 4/28/2007 |
| | 1/3/2001 | |
| | 1/3/2001 | |
| | 1/12/2009 | |
| | 5/1/2001 | |
| | 8/8/2001 | 1/16/2005 |
| | 7/6/2009 | |
| | 1/3/2001 | 9/15/2009 |
| | 1/11/2001 | 1/15/2010 |
| | 3/2/2001 | |

| | |
|------------|------------|
| 1/3/2001 | |
| 3/17/2003 | 9/7/2004 |
| 11/17/2006 | 8/31/2009 |
| 3/29/2004 | 3/13/2006 |
| 1/21/2009 | 7/31/2009 |
| 10/9/2007 | |
| 1/3/2001 | 10/4/2008 |
| 10/15/2007 | |
| 6/21/2004 | 12/20/2006 |
| 1/3/2001 | 8/29/2007 |
| 5/2/2006 | 5/9/2007 |
| 1/8/2007 | |
| 10/17/2008 | |
| 2/4/2008 | |
| 1/3/2001 | 2/12/2007 |
| 4/20/2005 | 7/15/2009 |
| 10/9/2007 | 8/14/2008 |
| 8/29/2002 | 7/16/2008 |
| 4/1/2007 | |
| 7/13/2009 | |
| 4/19/2005 | 4/27/2007 |
| 6/18/2008 | 8/16/2008 |
| 4/12/2005 | 10/29/2005 |
| 4/17/2007 | 9/28/2007 |
| 4/26/2007 | |
| 12/13/2004 | 4/21/2006 |
| 1/3/2001 | |
| 8/1/2007 | 3/2/2008 |

| | | |
|--|-----------|------------|
| | 12/8/2008 | |
| | 9/8/2008 | |
| | 1/29/2005 | |
| | 5/24/2004 | 3/21/2008 |
| | 6/2/2003 | 4/11/2007 |
| | 11/8/2005 | 1/8/2008 |
| | 2/20/2001 | 1/5/2009 |
| | 10/1/2009 | |
| | 4/17/2006 | |
| | 7/18/2006 | 11/30/2007 |
| | 1/21/2003 | 1/28/2005 |
| | 1/2/2008 | |
| | 5/16/2006 | 12/19/2006 |

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/02/2010

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

FORMER SENATORIAL STAFF MEMBER;
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH

Synopsis: To request assignment of SA [REDACTED]
Washington Field Division/Squad CR-15, as co-case agent in
captioned matter; and provide SA [REDACTED] which full-
access to this "Restricted Access" investigation.

Details: This communication requests SA [REDACTED]
Washington Field Division/Squad CR-15, be assigned as co-case
agent in captioned investigation; and such designation be
appropriately reflected in Automated Case Support (ACS) system.

This communication also requests that SA [REDACTED]
[REDACTED] be granted full-access to this "Restricted Access"
investigation, to include all sub-files (e.g. SUB 302; SUB MEDIA;
SUB GJ).

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/24/2010

To: Las Vegas

Attn: SSA [REDACTED]
Squad 13

To: Washington Field

Attn: Draft Office

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 *42* (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);
[REDACTED]

FORMER SENATORIAL STAFF MEMBER;
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: To request SAC/Las Vegas Division concurrence for SA [REDACTED] and SA [REDACTED] Washington Field Division, to travel to Las Vegas, Nevada between 03/08/2010 and 03/12/2010 in support of captioned public corruption investigation.

[REDACTED]

Administrative: Retelcal between SA [REDACTED] Washington Field Division/Northern Virginia Resident Agency/Squad CR-15; and SSA [REDACTED] Las Vegas Division/Squad 13; circa 02/12/2010 regarding SAC approval for operational travel to Las Vegas, Nevada in support of captioned investigation. The purpose of anticipated travel is to complete multiple primary witness interviews.

Details: The purpose of this communication is to request SAC/Las Vegas Division concurrence for SA [REDACTED] and SA [REDACTED] [REDACTED] Washington Field Division/Northern Virginia Resident

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To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 02/24/2010

Agency, to travel to Las Vegas, Nevada between 03/08/2010 and 03/12/2010 in support of captioned public corruption investigation.

Captioned investigation was initially predicated on information reported in the 10/02/2009 edition of the New York Times newspaper and forwarded to Washington Field Division by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (CREW), a non-profit political watchdog group.

For the way of background, U.S. Senator JOHN E. ENSIGN (R-NEVADA) is a sitting member of the United States Senate. U.S. Senator ENSIGN was first elected to the United States Senate in 11/2000 and was re-elected to his second term circa 11/2006. U.S. Senator ENSIGN currently serves as a ranking member on several congressional committees and previously served as Chairman of the National Republican Senatorial Committee (NRSC) between 11/2006 and 11/2008.

[redacted] served as U.S. Senator ENSIGN's [redacted] between 11/08/2006 and 04/30/2008. In his role as [redacted] acted as U.S. Senator ENSIGN's [redacted]

[redacted] More specifically, [redacted] was responsible for overseeing U.S. Senator ENSIGN's congressional staff, handling personnel matters, managing the operating budget, and addressing state-related issues.

On 06/16/2009, U.S. Senator ENSIGN publicly announced that he had engaged in an extramarital affair with an unnamed former campaign aide. This unnamed campaign aide was later publically identified as CYNTHIA L. HAMPTON. CYNTHIA HAMPTON simultaneously served as Treasurer of U.S. Senator ENSIGN's senatorial re-election committee and leadership Political Action Committee (PAC) between 2007 and 2008. CYNTHIA HAMPTON was terminated from her position with U.S. Senator ENSIGN's political committees in/about 04/2008.

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UNCLASSIFIED

UNCLASSIFIED

To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 02/24/2010



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Captioned investigation addresses allegations that U.S. Senator ENSIGN conspired with HAMPTON to violate federal laws which restrict certain lobbying practices. It is specifically alleged that U.S. Senator ENSIGN utilized his official position to provide HAMPTON with a post-employment lobbying job at NOVEMBER INCORPORATED, arranged for HAMPTON to secure U.S. Senator ENSIGN's political supporters as clients, and permitted HAMPTON to immediately lobby his senatorial office on behalf of those clients. U.S. Senator ENSIGN's purportedly orchestrated this arrangement with HAMPTON in effort to remove HAMPTON and his spouse from his employment and mitigate any potential personal/professional fallout for engaging in an extramarital affair with HAMPTON's spouse.

It is further alleged that U.S. Senator ENSIGN may have violated applicable federal campaign finance laws by disguising a \$96,000.00 severance payment to HAMPTON and his spouse as a "tax-free gift" in order to avoid publically disclosing the payment through mandatory filing with the U.S. Federal Elections Commission (FEC).

During the week of 03/08/2010, SA [redacted] and SA [redacted] Washington Field Division, anticipate traveling to Las Vegas Division to conduct a series of primary witness interviews. It should be noted that Washington Field Division Special Agents will be accompanied by Trial Attorney [redacted] United States Department of Justice/Criminal Division/Public Corruption Unit, telephone [redacted] and AUSA [redacted] United States Attorney's Office/District of Columbia, telephone [redacted]. As of the date of this communication, the following witness interviews have been scheduled and subsequently confirmed:

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1) Monday, March 8, 2010:

2:00 p.m. - Interview with [redacted] aka [redacted]
[redacted] PAYCARD USA INCORPORATED, 9121 West
Russell Road, Suite 208, Las Vegas, Nevada.

UNCLASSIFIED

UNCLASSIFIED

To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 02/24/2010

2) Tuesday, March 9, 2010:

9:00 a.m. - Interview with [redacted]
[redacted] for NV ENERGY INCORPORATED, 6226
West Sahara Boulevard, Las Vegas, Nevada.

2:00 p.m. - Interview with [redacted]
[redacted] for NV ENERGY INCORPORATED, 6226
West Sahara Boulevard, Las Vegas, Nevada.

3) Wednesday, March 10, 2010:

9:00 a.m. - Interview with [redacted]
[redacted] of Strategy, Policy, & External
Affairs for NV ENERGY INCORPORATED, 6226 West Sahara
Boulevard, Las Vegas, Nevada.

2:00 p.m. - Interview with [redacted]
[redacted] of STEELMAN PARTNERS
LLP, 3330 West Desert Inn Road, Las Vegas, Nevada.

4) Thursday, March 11, 2010:

2:00 p.m. - Interview with [redacted] aka [redacted]
[redacted] for THE ROGICH
COMMUNICATIONS GROUP, 3883 Howard Hughes Parkway,
Suite 590, Las Vegas, Nevada.

Washington Field Division is also attempting to
schedule additional witness interviews with the following
individuals for the week of 03/08/2010 through 03/12/2010:

1) [redacted] of
SWITCH COMMUNICATIONS GROUP LLC, 4425 East Sahara
Avenue, Las Vegas, Nevada.

2) [redacted]
[redacted] of SELLING SOURCE LLC, 325 East Warn Springs
Road, Las Vegas, Nevada.

3) [redacted] of P2SA EQUITY
LLC, Las Vegas, Nevada.

On 02/12/2010, SSA [redacted] Las Vegas
Division/Squad 13, was telephonically advised of SA [redacted]

UNCLASSIFIED

UNCLASSIFIED

To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 02/24/2010

[redacted] and SA [redacted] anticipated travel to Las Vegas Division to conduct numerous witness interviews. SSA [redacted] subsequently provided Washington Field Division with verbal concurrence to travel for this purpose.

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[redacted] Washington Field Division will immediately notify SSA [redacted] Las Vegas Division/Squad 13, if/when additional witness interviews are confirmed; and/or other unexpected scheduling changes occur.

It should be noted that Washington Field Division is not requesting operational assistance from Las Vegas Division at this time. However, Washington Field Division respectfully requests assistance in arranging for space (e.g. conference room) at FBI/Las Vegas Division's headquarters which can be used to facilitate the witness interviews of [redacted] [redacted] on 03/09/2010 (full-day); and [redacted] on 03/10/2010 (half-day).

[redacted] Completed Travel Request Forms (FD-540) for SA [redacted] and SA [redacted] are attached to this communication for processing by Washington Field Division/Draft Office.

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UNCLASSIFIED

UNCLASSIFIED

To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 02/24/2010

LEAD(s) :

Set Lead 1: (Action)

LAS VEGAS

AT LAS VEGAS, NEVADA

To request SAC/Las Vegas Division concurrence for SA [redacted] and SA [redacted] Washington Field Division/Northern Virginia Resident Agency, to travel to Las Vegas, Nevada from 03/08/2010 through 03/12/2010 in support of captioned public corruption investigation.

It is also requested that Las Vegas Division make arrangements for SA [redacted] and SA [redacted] to utilize appropriate space at FBI/Las Vegas Division's headquarters to facilitate witness interviews with [redacted] and [redacted] on 03/09/2010 (full-day); and [redacted] on 03/10/2010 (half-day). Other participants in these interviews will include Trial Attorney [redacted] U.S. Department of Justice/Criminal Division/Public Integrity Section; AUSA [redacted] [redacted] United States Attorney's Office/District of Columbia; and [redacted] an attorney with the Law Offices of Steptoe & Johnson LLP, Washington, D.C. [redacted] will be present as retained legal counsel for the interviewed parties.

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Set Lead 2: (Info)

WASHINGTON FIELD

AT WASHINGTON, D.C. (DRAFT OFFICE)

Read and clear. For informational purposes only.

♦♦

UNCLASSIFIED

Request No. 653334

TRAVEL REQUEST FORM

Date: 02/22/2010 Fiscal Year 10 Travel
 Name of Traveler: [Redacted] FBIHQ Division: [Redacted]
 Field Office ID: WFO/NV2A Cost Code: [Redacted] Squad/RA Code: 5110 SSAN: [Redacted]
 Itinerary: Travel Period From: 03/07/2010 to 03/12/2010
 Points of Travel From WFO/NV2A to LAS VEGAS, NV
 To [Redacted] to [Redacted]
 File Number: 58C-WF-241033
 Justification: To Conduct Primary Witness Interviews w/ DOJ Public Integrity Section

(A) Source of Travel Funds: (Select a catalog)

Division Budget

- (☒) TR11 SAC/Div. Operation/Management
 () TR12 SAC/Div. Operation/Management - Assist Another Office
 () TR13 SAC/Div. Meeting/Speech/GETA Training

General Budget

- () TR14 FBIHQ Regional Conference
 () TR15 FBIHQ Special
 () TR16 FBIHQ Commercial Training
 () TR51 To/From Quantico FBI & Police Training

Travel Authorization No.: _____

(B) Purpose of Travel:

(See reverse to select an item number and description from a catalog)

- 11 Operation Tama
 (Item No.) (Description)
 () 1 - Domestic (Conus)
 () 2 - Foreign
 () 3 - Non Foreign (O-Conus)

| CAT | DESC | Estimated Expense | Actual Expense |
|-------|------------------------------------|---|----------------|
| TR | <u>11</u> Air Fare | <div style="border: 1px solid black; width: 200px; height: 150px;"></div> | \$ _____ |
| TR | 12 Train Fare | | \$ _____ |
| TR | 21 Lodging (<u>5 nights</u>) | | \$ _____ |
| TR | 22 M & IE | | \$ _____ |
| TR | 31 P.O.A (Mileage) | | \$ _____ |
| TR | 32 Miscellaneous | | \$ _____ |
| TR | 35 Taxi | | \$ _____ |
| TR | 36 Taxes (Lodging) | | \$ _____ |
| TR | 37 Laundry | | \$ _____ |
| TR | 41 Car Rental* | | \$ _____ |
| TR | Other - (<u>Airport Parking</u>) | | \$ _____ |
| Total | | | \$ _____ |

* The use of a rental vehicle is advantageous to the government because neither a Bucar or public transportation (bus, subway, etc.) is available and the total cost of using a taxi exceeds that of a rental car.

Transportation paid by GTA No. _____
 Lodging paid by Purchase Order No. _____
 Field Office/FBIHQ Approval: _____ Date: _____
 Draft Approval Officer: _____ Date Obligated: _____
 Advance Document No. _____ Advance Draft Number: _____ Follow-up Date: _____
 Date _____ Cashier Initials: _____
 Document No. _____ Draft Number: _____ Amount: _____
 Date _____ Cashier Initials: _____

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TRAVEL REQUEST FORM

Date: 02 / 22 / 2010 Fiscal Year 10 Travel
 Name of Traveler: [Redacted] FBIHQ Division: SSAN [Redacted] b6
 Field Office ID: WFO/NVCA Cost Code: [Redacted] Squad/RA Code: 5110 b7C
 Itinerary: Travel Period From: 03 / 07 / 2010 to 03 / 12 / 2010 b7E
 Points of Travel From: WFO/NVCA to LAS VEGAS, NV
 To [Redacted] to [Redacted]
 File Number: 58C-WF-241033
 Justification: TO CONDUCT PRIMARY WITNESS INTERVIEWS WITH DOJ/PUBLIC SECURITY SECTORS

(A) Source of Travel Funds: (Select a catalog)

Division Budget

- (☒) TR11 SAC/Div. Operation/Management
 () TR12 SAC/Div. Operation/Management - Assist Another Office
 () TR13 SAC/Div. Meeting/Speech/GETA Training

General Budget

- () TR14 FBIHQ Regional Conference
 () TR15 FBIHQ Special
 () TR16 FBIHQ Commercial Training
 () TR51 To/From Quantico FBI & Police Training

Travel Authorization No.: _____

(B) Purpose of Travel:

(See reverse to select an item number and description from a catalog)

111 OPERATIONAL TRAVEL
 (Item No.) (Description)

- () 1 - Domestic (Conus)
 () 2 - Foreign
 () 3 - Non Foreign (O-Conus)

| CAT | DESC | Estimated
Expense | Actual
Expense |
|-------|--------------------------------------|---|-------------------|
| TR | <u>14</u> Air Fare | <div style="border: 1px solid black; width: 150px; height: 150px;"></div> | \$ _____ |
| TR | <u>12</u> Train Fare | | \$ _____ |
| TR | <u>21</u> Lodging (<u>5</u> nights) | | \$ _____ |
| TR | <u>22</u> M & IE | | \$ _____ |
| TR | <u>31</u> P.O.A (Mileage) | | \$ _____ |
| TR | <u>32</u> Miscellaneous | | \$ _____ |
| TR | <u>35</u> Taxi | | \$ _____ |
| TR | <u>36</u> Taxes (Lodging) | | \$ _____ |
| TR | <u>37</u> Laundry | | \$ _____ |
| TR | <u>41</u> Car Rental* | | \$ _____ |
| TR | Other - (<u>Airport Parking</u>) | | \$ _____ |
| Total | | | \$ _____ |

* The use of a rental vehicle is advantageous to the government because neither a Bucar or public transportation (bus, subway) is available and the total cost of using a taxi exceeds that of a rental car.

Transportation paid by GTA No. _____
 Lodging paid by Purchase Order No. _____
 Field Office/FBIHQ Approval: _____ Date: _____
 Draft Approval Officer: _____ Date Obligated: _____
 Advance Document No. _____ Advance Draft Number: _____ Follow-up Date: _____
 Date _____ Cashier Initials: _____
 Document No. _____ Draft Number: _____ Amount: _____
 Date: _____ Cashier Initials: _____

Distribution: White Original - Submit with SF-1012
 Yellow Copy - Draft Request File
 Pink Copy - Estimated Travel Control File

58C-WF-241033 - 43

03/01/2010

1

On Tuesday, February 23, 2010, Special Agent (SA) [redacted] contacted P2SA Equity LLC (P2SA) at (702) 228-7497 in an effort to locate [redacted] for an interview. According to [redacted] LNU (last name unknown) [redacted] no longer worked for P2SA. [redacted] stated she would forward a message to [redacted] to see whether [redacted] knew where to find [redacted]

On Friday, February 26, 2010, attorney [redacted] cell phone number [redacted] left a message for SA [redacted] in reference to [redacted] SA [redacted] telephonically contacted [redacted] on Monday, March 1, 2010. [redacted] indicated that he represented P2SA. According to [redacted] no longer worked for P2SA, and provided SA [redacted] with [redacted] phone number [redacted]

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SA [redacted] contacted [redacted] on this date. [redacted] agreed to be interviewed on Thursday, March 11, 2010 at 9:00 a.m. The interview would take place at the FBI Las Vegas Field Office.

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10602.1125



On 03/02/2010, [redacted] telephoned SA [redacted] Washington Field Division/Squad CR-15, at [redacted] identified himself as a reporter for the NEW YORK TIMES newspaper and stated wanted to ask SA [redacted] a few questions regarding [redacted] SA [redacted] advised [redacted] that the FBI could not make any comment to the media and all inquiry's should be directed to FBI/Washington Field Division's media representative in Washington, D.C.

Investigator's Note: [redacted] is identified as a former employee for P2SA EQUITY LLC in Las Vegas, Nevada. On 03/01/2010, SA [redacted] Washington Field Division/Squad CR-15, telephonically contacted [redacted] at [redacted] for the purpose of scheduling a witness interview in furtherance of captioned investigation. [redacted] subsequently agreed to meet with the FBI on 03/11/2010 at 9:00 a.m. in Las Vegas, Nevada.

Approximately thirty (30) minutes after speaking with SA [redacted] re-contacted SA [redacted] and stated that he had just received a telephone call from [redacted] LNU, a reporter from the New York Times newspaper. [redacted] related that the reporter asked [redacted] if he had been interviewed by the FBI regarding the investigation into U.S. Senator JOHN E. ENSIGN and [redacted] reportedly told the reporter that he had not been interviewed by the FBI. [redacted] then terminated the call.

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58C-WF-241033-45

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On 02/01/2010, [REDACTED] United States Department of Justice/Criminal Division/Public Integrity Section (DOJ/PIN), made an informal E-mail request to Arthur E. Gary, Deputy Solicitor for the United States Department of Interior/Office of Inspector General (DOI/OIG); telephone [REDACTED] E-mail address: [REDACTED] which sought the voluntary disclosure of the following documents:

- 1) Any and all documents related to any contact made by U.S. Senator JOHN E. ENSIGN; or anyone from ENSIGN's senatorial office, including but not limited to, [REDACTED] to the Secretary of the United States Department of Interior (DOI) and his/her staff; and/or [REDACTED] or anyone else from DOI's Government Affairs Office between 01/01/2008 and 12/31/2009.
- 2) Any and all documents related to any contact made by [REDACTED] NOVEMBER INC., [REDACTED] and/or NV ENERGY INCORPORATED; and the Secretary of DOI and his/her staff; and/or [REDACTED] or anyone else from DOI's Government Affairs Office between 01/01/2008 and 12/31/2009.

On 02/25/2010, [REDACTED] provided SA [REDACTED] Washington Field Division/Squad CR-15, with a duplicate copy of one (1) Compact Disk (CD) containing miscellaneous documents previously provided to the United States Senate Ethics Committee by DOI in regard to this matter. Additional DOI documents may be provided to DOJ/PIN in the future.

The received documents will be reviewed by Washington Field Division/Squad CR-15 in furtherance of captioned investigation. The received CD was filed in the SUB 1A section of the substantive case-file for evidentiary purposes.

A copy of DOJ/PIN's E-mail dated 02/01/2010 to DOI/OIG which requested the aforementioned records is attached to this communication inclusion into the substantive case-file.

b5 per OGA/FBI
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[redacted]
From: [redacted]
Sent: Monday, February 01, 2010 11:02 AM
To: Gary, Art
Cc: [redacted] (USADC); [redacted]
Subject: RE: Test email

[redacted]

1. Any and all "documents" related to any contact made by U.S. Senator John Ensign, or anyone from his office including but not limited to [redacted] to (1) the Secretary of Interior and their staff and/or (2) [redacted] or anyone else from the Government Affairs office between January 1, 2008 and December 31, 2009.
2. Any and all "documents" related to any contact made by any one or more of the following people/entities listed below to (1) the Secretary of Interior and their staff and/or (2) [redacted] or anyone else from the Government Affairs office between January 1, 2008 and December 31, 2009 and:
 - a. [redacted]
 - b. [redacted]
 - c. November, Inc.
 - d. [redacted]
 - e. [redacted]
 - f. [redacted]
 - g. NV Energy

For purposes of this request, the term "documents" includes writings or records of every kind or character, conveying information by mechanical, electronic, photographic, or other means, whether encarded, taped, stored or coded electrostatically, electromagnetically, or otherwise. "Documents" includes but is not limited to correspondence, e-mail, notes, memoranda, minutes, summaries, telephone records, telephone message logs or slips, calendars, date books, interoffice communications, results of investigations, videotapes, audiotapes, microfiche, microfilm, any electronic media, and accounting and financial records of any kind (including checks (front and back), wire transfers, cash payments or receipts, and check requests). "Documents" refers to any record in the Office's possession, custody, or control, and "documents" includes all drafts or unfinished versions of documents.

Please let me know if you need any additional information or clarification or require additional time to gather the requested materials.

V/r,

[redacted]
U.S. Department of Justice -Public Integrity Section

2/2/2010

1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005
Office - [REDACTED]
Facsimile - 202.514.3003

b6 per OGA
b7C

From: Gary, Art [REDACTED]
Sent: Friday, January 29, 2010 6:37 PM
To: [REDACTED]
Subject: RE: Test email

Got it.

Thanks

Art

Arthur E. Gary
Deputy Solicitor
U.S. Department of the Interior
[REDACTED]
(202) 208-5584 (Fax)

This e-mail (including attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you receive this e-mail in error, please notify the sender immediately and destroy all copies. Thank you.

From: [REDACTED]
Sent: Friday, January 29, 2010 3:43 PM
To: Gary, Art
Subject: Test email

[REDACTED]
U.S. Department of Justice -Public Integrity Section
1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005
Office - [REDACTED]
Facsimile - 202.514.3003

2/2/2010

Enclosed for submission into the substantive case-file are copies of E-mail Preservation Letters [with corresponding facsimile cover-sheets] which were served on miscellaneous Internet Service Providers (ISP) in support of captioned investigation:

| Target E-mail Address | Internet Service Provider | Date of Preservation Letter |
|-----------------------|---------------------------|-----------------------------|
| | Yahoo! | 03/02/2010 |
| | AT&T | 03/02/2010 |
| | AOL | 03/02/2010 |
| | AOL | 03/02/2010 |
| | Cox Communications | 03/02/2010 |
| | Google (G-Mail) | 03/02/2010 |

All of the aforementioned Preservation Letters were served by [redacted] for the U.S. Department of Justice/Criminal Division/Public Integrity Section, circa 03/02/2010 via facsimile. Each ISP was directed to preserve all data in their possession for the next ninety (90) days without providing notice to the respective account holder.

It should be noted that the attached Preservation Letters are representative of the first ninety (90) extension request. Initial Preservation Letters were served on the aforementioned ISP's circa 12/2009. See 56C-WF-241033 Serial 14 for additional details.



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

March 2, 2010

By Fax

Yahoo! Inc.
Compliance Team
701 First Avenue
Sunnyvale, California 94089
FAX: 408-349-7941

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves a Yahoo user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the Yahoo e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

[Redacted]

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [Redacted] I also request you provide written confirmation that **Yahoo has taken appropriate measures to preserve this information, without notice to the account holder**. You can send such confirmation to my attention by e-mail to [Redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

b6 per OGA
b7C

Sincerely,

[Redacted Signature]

U.S. Department of Justice

TRANSMISSION REPORT

(TUE) MAR 2 2010 16:46
DOJ PUBLIC INTEGRITY

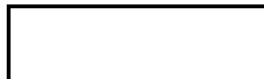
| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|------------|----------|---------|------|--------|
| 4861578-639 | 3. 2 16:39 | 3. 2 16:40 | .34" | 2 | ECM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 914083497941 | 914083497941 |



IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003
Voice No.

DATE: March 2, 2010

PIN-PBB

TO: ATTN: Custodian of Records
Yahoo! Inc.

FAX: 408-349-7941

PAGES: 2

b6 per OGA
b7C



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

March 2, 2010

By Fax

AT&T

National Compliance Center

P. O. Box 24703

West Palm Beach, FL 33416

ATTN: Custodian of Records

FAX: 888-938-4715

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that an AT&T user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the AT&T e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

[Redacted]

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [Redacted] **I also request you provide written confirmation that AT&T has taken appropriate measures to preserve this information, without notice to the account holder.** You can send such confirmation to my attention by e-mail to [Redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,

[Redacted Signature]

U.S. Department of Justice

b6 per OGA
b7C

TRANSMISSION REPORT

(TUE) MAR 2 2010 16:44
DOJ PUBLIC INTEGRITY

| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|------------|----------|---------|------|--------|
| 4861578-641 | 3. 2 16:40 | 3. 2 16:43 | 30" | 2 | ECM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 918889384715 | 918889384715 |




IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003
Voice No. 

DATE: March 2, 2010

PIN-PBB

TO: ATTN: Custodian of Records
AT&T

FAX: 888-938-4715

PAGES: 2

b6 per OGA
b7C



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

March 2, 2010

By Fax

AOL, LLC
Public Safety and Criminal Investigations Unit
2200 Aolway
Dulles, VA 20166
ATTN: Custodian of Records
FAX: (703) 265-2208

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves several AOL users. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the AOL e-mail addresses listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

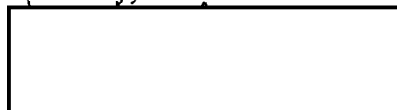


b6 per OGA
b7C

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [redacted] **I also request you provide written confirmation that AOL has taken appropriate measures to preserve this information, without notice to the account holder.** You can send such confirmation to my attention by e-mail to [redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,



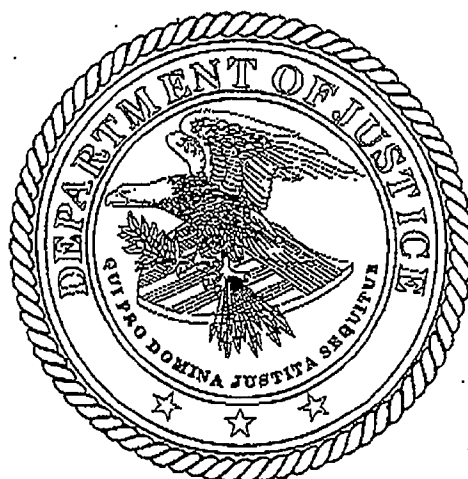
U.S. Department of Justice

TRANSMISSION REPORT

(TUE) MAR 2 2010 15:40
DOJ PUBLIC INTEGRITY

| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|------------|----------|---------|------|--------|
| 4861578-638 | 3. 2 16:39 | 3. 2 16:40 | 29" | 2 | ECM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 917032652208 | 917032652208 |



IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

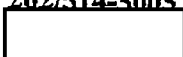
FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003

Voice No.



DATE: March 2, 2010

PIN-PBB

TO: ATTN: Custodian of Records
AOL, LLC

FAX: 703-265-2208

PAGES: 2 (including cover sheet)

b6 per OGA
b7C



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

March 2, 2010

By Fax and Mail

Cox Communications, Inc.
1400 Lake Hearn Drive
Atlanta, GA 30319-1464
ATTN: Records Custodian
FAX: (404) 269-1898

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves a Cox Communications user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the Cox Communications e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

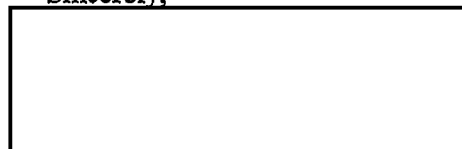


b6 per OGA
b7C

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [redacted] I also request you provide written confirmation that Cox Communications has taken appropriate measures to preserve this information, **without notice to the account holder**. You can send such confirmation to my attention by e-mail to [redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,



U.S. Department of Justice

TRANSMISSION REPORT

(TUE) MAR 2 2010 15:39

DOJ PUBLIC INTEGRITY

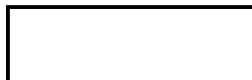
| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|------------|----------|---------|------|--------|
| 4861578-637 | 3. 2 16:38 | 3. 2 16:38 | 49" | 2 | G3 | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 914042691898 | 914042691898 |



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FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

b6 per OGA
b7C

Fax No. 202/514-3003

Voice No.



DATE: March 2, 2010

PIN-PBB

TO: ATTN: Custodian of Records
Cox Communications, Inc.

FAX: 404-269-1898



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

March 2, 2010

By Fax

Google (G-mail)
1600 Amphitheatre Parkway
Mountainview, CA 94043
FAX: 650-649-2939

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves a G-mail user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the G-mail e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

[Redacted]

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [Redacted] **I also request you provide written confirmation that Google has taken appropriate measures to preserve this information, without notice to the account holder.** You can send such confirmation to my attention by e-mail to [Redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,

[Redacted Signature]

U.S. Department of Justice

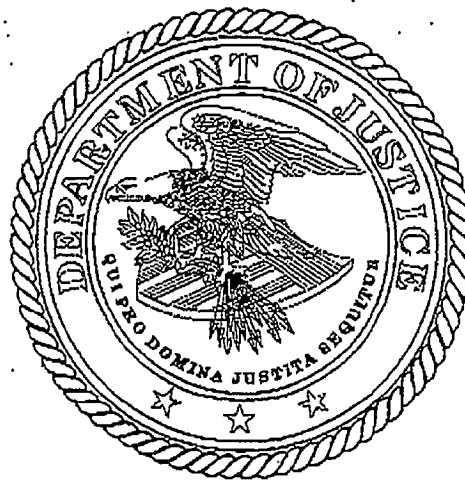
b6 per OGA
b7C

TRANSMISSION REPORT

(TUE) MAR 2 2010 16:44
DOJ PUBLIC INTEGRITY

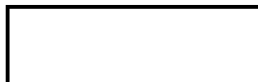
| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|------------|----------|---------|------|--------|
| 4861578-640 | 3. 2 16:40 | 3. 2 16:42 | 43" | 2 | ECM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 916506492939 | 916506492939 |



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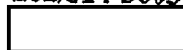
FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003

Voice No.



DATE: March 2, 2010

PIN-PBB

TO: ATTN: Custodian of Records
Google (G-mail)

FAX: 650-649-2939

PAGES: 2

b6 per OGA
b7C

On 01/06/2010, [REDACTED] United States Department of Justice/Criminal Division/Public Integrity Section, made an informal E-mail request to Calvin L. Scovel, Inspector General for the United States Department of Transportation/Office of Inspector General (DOT/OIG), which sought the voluntary disclosure of the following documents:

- 1) Any and all documents related to any contact made by U.S. Senator JOHN E. ENSIGN; or anyone from ENSIGN's senatorial office, including but not limited to, [REDACTED] to the Secretary of the United States Department of Transportation (DOT) and/or his/her staff between 01/01/2008 and 12/31/2009.
- 2) Any and all documents related to any contact made by [REDACTED] NOVEMBER INC., [REDACTED] and/or ALLEGIANT AIR LLC; and the Secretary of DOT and/or his/her staff between 01/01/2008 and 12/31/2009.

On 01/20/2010, Robert S. Rivkin, General Counsel for DOT's Office of the Secretary, 1200 New Jersey Avenue SE, Washington, D.C., positively responded to this request and provided investigators with approximately one hundred and forty-seven (147) pages of miscellaneous documents and/or E-mails. The received documents are currently being stored in the SUB 1A section of the substantive case-file for evidentiary purposes.

On 02/25/2010, Mr. Rivkin voluntarily provided investigators with approximately twenty-eight (28) pages of additional documents and/or E-mails which were considered responsive to the United States Department of Justice's original request for production. Included in this supplemental production were documents identifying the telephone extensions for the following current/former DOT employees during the designated time-period: [REDACTED]

The aforementioned documents will be reviewed by Washington Field Division in furtherance of captioned investigation and filed in the SUB 1A section of the substantive case-file for future reference.

A copy of DOT's cover-letter dated 02/25/2010 which transmitted the aforementioned documents is attached to this

58C-WF-241033

2

communication for quick reference.



U.S. Department of
Transportation

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, SE
Washington, DC 20590

February 25, 2010

CONFIDENTIAL

[Redacted]

U.S. Department of Justice –Public Integrity Section
1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005

b6 per OGA
b7C

Dear [Redacted]

Pursuant to our meeting of February 18, Heideh Shahmoradi conducted additional searches of electronic documents written or received by Government Affairs staff that could be responsive to your requests. I attach the additional documents that were located. Ms. Shahmoradi's correct DOT title is Supervisory Special Assistant.

Also, pursuant to your request, I attach documents showing the telephone extensions for Joyce Green, Simon Gros, Jana Murphy, Lynne Osmus, Tina Ro, David Wonnemberg and Ms. Shahmoradi.

Yours sincerely,

Robert S. Rivkin

Attachments

[REDACTED]

From: [REDACTED]

Sent: Wednesday, March 17, 2010 3:28 PM

To: [REDACTED] (USADC); [REDACTED]

b6 per OGA/FBI
b7c

Subject: DOT Cover letter and Docs

Attachments: Docs Provided By DOT - 2-25-2010 - Ensign.pdf; Letter from DOT dtd 2-25-2010.pdf

[REDACTED]

Attached are two files - one is the DOT cover letter and the other contains the documents attached to the cover letter from DOT. These documents include the phone number information we discussed in our call this morning.

R/

[REDACTED]

U.S. Department of Justice -Public Integrity Section
1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005
Office - [REDACTED]
Facsimile - 202.514.3003

3/22/2010

58C-WF-241033 -48

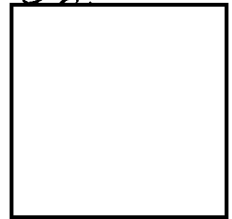
[redacted]
03/23/2010

1

On March 18, 2010, Special Agent [redacted] conducted a search through the Lexis Nexis database for [redacted] date of birth, [redacted] social security number, [redacted]. The results are attached. Also on this date, a Department of Motor Vehicles (DMV) photo was obtained through Special Agent [redacted] of the FBI Las Vegas Division (see attached).

b6
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3/24/10



08211111



FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
Civil Action# 12-cv-1491

Total Deleted Page(s) = 182

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Page 7 ~ b6; b7C;
Page 38 ~ b6; b7C;
Page 39 ~ b6; b7C;
Page 54 ~ b6; b7C;
Page 55 ~ b6; b7C;
Page 56 ~ b6; b7C;
Page 57 ~ b6; b7C;
Page 58 ~ b6; b7C;
Page 59 ~ b6; b7C;
Page 60 ~ b6; b7C;
Page 61 ~ b6; b7C;
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Page 63 ~ b6; b7C;
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Page 73 ~ b6; b7C;
Page 74 ~ b6; b7C;
Page 75 ~ b6; b7C;
Page 76 ~ b6; b7C;
Page 77 ~ b6; b7C;
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Page 85 ~ Referral/Consult;
Page 86 ~ Referral/Consult;
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Page 242 ~ b6; b7C;
Page 243 ~ b6; b7C;
Page 244 ~ b6; b7C;
Page 245 ~ b6; b7C;
Page 246 ~ b6; b7C;
Page 247 ~ b6; b7C;
Page 248 ~ b6; b7C;
Page 258 ~ b6; b7C; b7D;
Page 261 ~ Duplicate - 58C-WF-241033-302 Serial 2;
Page 262 ~ Duplicate - 58C-WF-241033-302 Serial 2;
Page 263 ~ Duplicate - 58C-WF-241033-302 Serial 2;
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Page 301 ~ b6; b7C;
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Page 395 ~ b6; b7C; b7D;
Page 396 ~ b3; b6; b7C; b7D;
Page 397 ~ b3; b6; b7C; b7D;

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X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 01/31/11 Time: 09:54

Case ID: 58C-WF-241033 Serial: 49

Description of Document:

Type : FD302

Date : 03/23/10

To : WASHINGTON FIELD

From : WASHINGTON FIELD

Topic: VOLUNTARILY PROVIDED ADDITIONAL INFORMAT

Reason for Permanent Charge-Out:

agent requested document be moved to subfile.

b6
b7C

Transferred to:

Case ID: 58C-WF-241033-302 Serial: 57

Employee:

On 03/29/2010, [redacted] an attorney with the Law Offices of Hebert Sachs, 819 South Sixth Street, Las Vegas, Nevada 11710; office telephone [redacted] office facsimile [redacted] voluntarily provided Washington Field Division with the following document via facsimile:

b6
b7C

1)



4/2/10
①

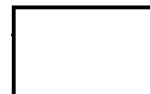
b6
b7C

[redacted] noted that an interview of [redacted] can be arranged in Las Vegas, Nevada through [redacted] office in the event the Federal Bureau of Investigation (FBI) wishes to seek additional information regarding this matter.

A copy of the received document is attached to this communication for inclusion into the substantive case-file.

b6
b7C

Case-agent Note: [redacted] made an unsolicited telephone call to SA [redacted] Washington Field Division/Squad CR-15, on 03/18/2010 regarding this matter and referred SA [redacted] See 58C-WF-241033 SUB 302 Serial 10 for additional details.



LAW OFFICES
Herbert Sachs

ADMITTED NEW YORK AND NEVADA BARS

NEW YORK OFFICE
AREA CODE 918 221-0400
254 PITT AVENUE
BELLMOHE, N.Y 11710

NEVADA OFFICE
AREA CODE 702 387-0400
818 SOUTH SIXTH ST,
LAS VEGAS, NV 89101

REPLY TO NEVADA OFFICE

FACSIMILE TRANSMISSION

FROM

Fax No. (702) 384-9495

DATE: 3-29-10RE: John Ensign TO: FB IATTENTION: Fax No. FROM: NUMBER OF PAGES (including this page): 4MEMO:b6
b7c

The information contained in this transmission is privileged and confidential and intended for the use of the individual or entity named above. If the reader of this message is not the intended addressee, the reader is hereby notified that any dissemination, distribution or duplication of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return this transmission to us at the above address by mail.

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 04/02/10 Time: 12:07

Case ID: 58C-WF-241033 Serial: 51

Description of Document:

Type : NEWSPAPE
Date : 04/01/10
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: JOHN ENSIGN FACES ETHICS COMPLAINT OVER APARTMENT RENT RATE

Reason for Permanent Charge-Out:

transfer to media

Transferred to:

Case ID: 58C-WF-241033-MEDIA Serial: 54

Employee:

b6
b7c

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 04/02/10 Time: 12:08

Case ID: 58C-WF-241033 Serial: 52

Description of Document:

Type : NEWSPAPE
Date : 04/01/10
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: I-TEAM:EMAIL TRAIL LEADS TO SENATOR ENSIGN'S OFFICE

Reason for Permanent Charge-Out:

transfer to media

Transferred to:

Case ID: 58C-WF-241033-MEDIA Serial: 55

Employee:

b6
b7c

b6 per OGA/FBI
b7C

[Redacted]
From: [Redacted]
Sent: Friday, April 02, 2010 4:27 PM
To: [Redacted] (USADC); [Redacted]
Subject: Proposed Search Terms (ASIS)

For our conference call next week, I went back to the list of proposed search terms, googled the names I don't recognize and here's what I've found in order from the list:

[Redacted]

b5 per OGA/FBI
b6
b7C

(i)
[Redacted]

b6 per OGA
b7C

[Redacted]
U.S. Department of Justice -Public Integrity Section
1400 New York Avenue, N.W., Suite 12100
Washington, D.C. 20005
Office - [Redacted]
Facsimile - 202.514.3003

b6 per FBI
b7C

4/5/2010

[Redacted]

58C-WF-241033

58C-WF-241033 -5A

b6 per OGA/FBI
b7C

1

Enclosed for submission into the substantive case-file is one (1) copy of an E-mail Preservation Letter [with corresponding facsimile cover-sheet] which was served on an Internet Service Provider (ISP) in support of captioned investigation:

| Target E-mail Address | Internet Service Provider | Date of Preservation Letter |
|-----------------------|---------------------------|-----------------------------|
| | Google | 04/02/2010 |

The aforementioned Preservation Letter was served by [redacted] for the U.S. Department of Justice/Criminal Division/Public Integrity Section, circa 04/02/2010 via facsimile. The designated ISP was directed to preserve all data in their possession for the next ninety (90) days without providing notice to the respective account holder.

10095A.12

4/5/2010



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

April 2, 2010

By Fax

Google (G-mail)
1600 Amphitheatre Parkway
Mountainview, CA 94043
FAX: 650-649-2939

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves a G-mail user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the G-mail e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

[Redacted]

b6 per OGA
b7C

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [Redacted] **I also request you provide written confirmation that Google has taken appropriate measures to preserve this information, without notice to the account holder.** You can send such confirmation to my attention by e-mail to [Redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,

[Redacted Signature]

U.S. Department of Justice

TRANSMISSION REPORT

(FRI) APR 2 2010 11:51
DOJ PUBLIC INTEGRITY

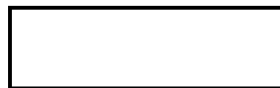
| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|------------|----------|---------|------|--------|
| 4861578-722 | 4. 2 11:49 | 4. 2 11:49 | 48" | 2 | ECM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 916506492939 | 916506492939 |



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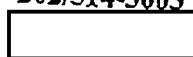
FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003

Voice No.



DATE:

April 2, 2010

TO:

ATTN: Custodian of Records
Google (G-mail)

FAX:

650/649-2939

PAGES:

2 (including cover)

PIN-PBB

b6 per OGA
b7C

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 04/12/10 Time: 15:44

Case ID: 58C-WF-241033 Serial: 55

Description of Document:

Type : NEWSPAPE
Date : 04/04/10
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: WHY SEN. ENSIGN SHOULD BE WORRIED ABOUT POSSIBLE INDICTMENT

Reason for Permanent Charge-Out:

uploaded to wrong file

Transferred to:

Case ID: 58C-WF-241033-MEDIA Serial: 62

Employee:

b6
b7c

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 04/12/10 Time: 10:47

Case ID: 58C-WF-241033 Serial: 56

Description of Document:

Type : NEWSPAPE
Date : 04/08/10
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: ENSIGN FACES MORE PRESSURE TO QUIT

Reason for Permanent Charge-Out:

uploaded to wrong file

Transferred to:

Case ID: 58C-WF-241033-MEDIA Serial: 59

Employee:

b6
b7c

Enclosed for submission into the substantive case-file are copies of E-mail Preservation Letters [with corresponding facsimile cover-sheets] which were served on miscellaneous Internet Service Providers (ISP) in support of captioned investigation:

| Target E-mail Address | | Internet Service Provider | Date of Preservation Letter |
|-----------------------|--|---------------------------|-----------------------------|
| | | Cox Communications | 04/08/2010 |
| | | Google (G-Mail) | 04/08/2010 |
| | | Google (G-Mail) | 04/08/2010 |
| | | Google (G-Mail) | 04/08/2010 |

All of the aforementioned Preservation Letters were served by [redacted] for the U.S. Department of Justice/Criminal Division/Public Integrity Section, via facsimile. Each ISP was directed to preserve all data in their possession for the next ninety (90) days without providing notice to the respective account holder.



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

April 8, 2010

By Fax and Mail

Cox Communications, Inc.
1400 Lake Hearn Drive
Atlanta, GA 30319-1464
ATTN: Records Custodian
FAX: (404) 269-1898

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves a Cox Communications user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the Cox Communications e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

[Redacted]

b6 per OGA
b7C

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [Redacted] I also request you provide written confirmation that Cox Communications has taken appropriate measures to preserve this information, without notice to the account holder. You can send such confirmation to my attention by e-mail to [Redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,

[Redacted Signature]

U.S. Department of Justice

TRANSMISSION REPORT

(THU) APR 8 2010 15:56
DOJ PUBLIC INTEGRITY

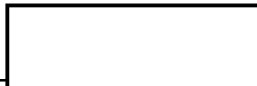
| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|------------|----------|---------|------|--------|
| 4861578-730 | 4. 8 15:55 | 4. 8 15:55 | 50* | 2 | G3 | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 914042691898 | 914042691898 |



IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

FROM:

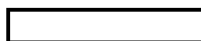


b6 per OGA
b7C

U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003

Voice No.



DATE:

April 8, 2010

PIN-PBB

TO:

ATTN: Custodian of Records
Cox Communications, Inc.

FAX:

404/269-1898

PAGES:

2 Pages



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

April 8, 2010

By Fax

Google (G-mail)

1600 Amphitheatre Parkway

Mountainview, CA 94043

FAX: 650-649-2939

Re: Preservation Request

Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves G-mail users. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the G-mail e-mail addresses listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customers or subscribers:



b6 per OGA
b7C

At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have any questions concerning this request, please contact me as soon as possible. I can be reached at [redacted] I also request you provide written confirmation that Google has taken appropriate measures to preserve this information, without notice to the account holder. You can send such confirmation to my attention by e-mail to [redacted] or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,



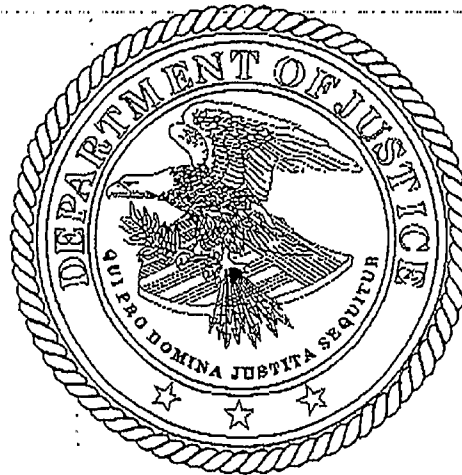
U.S. Department of Justice

TRANSMISSION REPORT

(THU) APR 8 2010 15:58
DOJ PUBLIC INTEGRITY

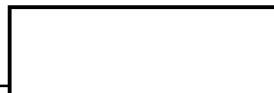
| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|------------|----------|---------|------|--------|
| 4861578-731 | 4. 8 15:56 | 4. 8 15:57 | 43" | 2 | ECM | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 916506492939 | 916506492939 |



IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

FROM:

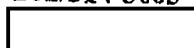


b6 per OGA
b7C

U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003

Voice No.



DATE: April 8, 2010

PIN-PBB

TO: ATTN: Custodian of Records
Google (G-mail)

FAX: 650/649-2939

PAGES: 2 (including cover sheet)

58C-WF-241033 - 58

04/16/2010

1

In an effort to locate and schedule an interview, Special Agent (SA) [redacted] requested that FBI CTOC Specialist [redacted] query the NCIC/DMV database for information concerning [redacted] date of birth, [redacted] social security number, [redacted] (see attached), [redacted] was a former employee of P2SA. DOJ Trial Attorney [redacted] had provided SA [redacted] with a phone number for [redacted] [redacted] was unable to reach [redacted] on this number after several attempts. In addition, Special Agent [redacted] conducted a search through the Lexis Nexis database for [redacted] The first page of the results is also attached.

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[redacted]
4/19/10

[Handwritten signature]

[redacted] D1061.ins

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/20/2010

To: Las Vegas

Attn: SSA [REDACTED]
Squad 13

To: Washington Field

Attn: Draft Office

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 (Pending) 60

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);
[REDACTED]

CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: To request SAC/Las Vegas Division concurrence for SA [REDACTED] and SA [REDACTED] Washington Field Division, to travel to Las Vegas, Nevada between 04/26/2010 and 04/30/2010 in support of captioned public corruption investigation.

[REDACTED]

Administrative: E-mail exchange between SA [REDACTED] Washington Field Division/Northern Virginia Resident Agency/Squad CR-15; and SSA [REDACTED] Las Vegas Division/Squad 13; circa 04/13/2010 and 04/16/210 regarding required SAC approval for operational travel to Las Vegas, Nevada. The purpose of the anticipated operational travel is to complete multiple primary witness interviews in furtherance of captioned public corruption investigation.

Details: The purpose of this communication is to request SAC/Las Vegas Division concurrence for SA [REDACTED] and SA [REDACTED]

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UNCLASSIFIED

To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 04/20/2010

[redacted] Washington Field Division/Northern Virginia Resident Agency, to travel to Las Vegas, Nevada between 04/26/2010 and 04/30/2010 in support of captioned public corruption investigation.

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Captioned investigation was initially predicated on information reported in the 10/02/2009 edition of the New York Times newspaper and forwarded to Washington Field Division by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (CREW), a non-profit political watchdog group.

For the way of background, U.S. Senator JOHN E. ENSIGN (R-NEVADA) is a sitting member of the United States Senate. U.S. Senator ENSIGN was first elected to the United States Senate in 11/2000 and was re-elected to his second term circa 11/2006. U.S. Senator ENSIGN currently serves as a ranking member on several congressional committees and previously served as Chairman of the National Republican Senatorial Committee (NRSC) between 11/2006 and 11/2008.

[redacted] served as U.S. Senator ENSIGN's [redacted] between 11/08/2006 and 04/30/2008. In his role as [redacted] acted as U.S. Senator ENSIGN's [redacted]

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[redacted] More specifically, [redacted] was responsible for overseeing U.S. Senator ENSIGN's congressional staff, handling personnel matters, managing the operating budget, and addressing state-related issues.

On 06/16/2009, U.S. Senator ENSIGN publicly announced that he had engaged in an extramarital affair with an unnamed former campaign aide. [redacted]

[redacted] of U.S. Senator ENSIGN's senatorial re-election committee and leadership Political Action Committee (PAC) between 2007 and 2008. [redacted]

[redacted] with U.S. Senator ENSIGN's political [redacted]

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UNCLASSIFIED

UNCLASSIFIED

To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 04/20/2010

[REDACTED]

Captioned investigation addresses allegations that U.S. Senator ENSIGN conspired with [REDACTED] to violate federal laws which restrict certain lobbying practices. It is specifically alleged that U.S. Senator ENSIGN utilized his official position to provide [REDACTED] lobbying job at NOVEMBER INCORPORATED, arranged for [REDACTED] to secure U.S. Senator ENSIGN's political supporters as clients, and permitted [REDACTED] to immediately lobby his senatorial office on behalf of those clients. U.S. Senator ENSIGN's purportedly orchestrated this arrangement with [REDACTED] in effort to [REDACTED] [REDACTED] from his employment and mitigate any potential personal/professional fallout for engaging in an extramarital affair with [REDACTED]

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It is further alleged that U.S. Senator ENSIGN may have violated applicable federal campaign finance laws by disguising a \$96,000.00 severance payment to [REDACTED] as a "tax-free gift" in order to avoid publically disclosing the payment through mandatory filing with the U.S. Federal Elections Commission (FEC).

During the week of 04/26/2010, SA [REDACTED] and SA [REDACTED] Washington Field Division, anticipate traveling to Las Vegas Division to conduct a series of primary witness interviews. It should be noted that Washington Field Division Special Agents will be accompanied by Trial Attorney [REDACTED] United States Department of Justice/Criminal Division/Public Corruption Unit, telephone [REDACTED] and AUSA [REDACTED] United States Attorney's Office/District of Columbia, telephone [REDACTED]. As of the date of this communication, the following witness interviews have been scheduled and subsequently confirmed:

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1) Tuesday, April 27, 2010:

11:00 a.m. - Interview with [REDACTED]
[REDACTED] for SWITCH COMMUNICATIONS GROUP
LLC, 7135 South Decatur Boulevard, Las Vegas,

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UNCLASSIFIED

UNCLASSIFIED

To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 04/20/2010

Nevada. Interview will occur at [] place of business and [] will be accompanied by SWITCH COMMUNICATIONS GROUP LLC's General Counsel.

2) Wednesday, April 28, 2010:

1:00 p.m. - Interview with [] a/k/a [] [] for P2SA EQUITY LLC, 10777 West Twain Avenue, Suite 115, Las Vegas, Nevada. Interview will occur at The Law Offices of Robert L. Langford & Associates LLP, 616 South Eighth Street, Las Vegas, Nevada and [] will be accompanied by her retained legal counsel.

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1:30 p.m. - Interview with [] [] for eCOMMLINK, 319 East Warm Springs Road, Suite 100, Las Vegas, Nevada. Interview will occur at FBI/Las Vegas Division and [] will be accompanied by his retained legal counsel.

3) Thursday April 29, 2010:

1:30 p.m. - Interview with [] [] R&R PARTNERS INCORPORATED's Government Affairs Division, 900 South Pavilion Center Drive, Las Vegas, Nevada. Interview will occur at FBI/Las Vegas Division and [] will be accompanied by R&R PARTNERS INCORPORATED's General Counsel.

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4:30 p.m. - Interview with [] [] of R&R PARTNERS INCORPORATED's Government Affairs Division, 900 South Pavilion Center Drive, Las Vegas, Nevada. Interview will occur at FBI/Las Vegas Division and [] will be accompanied by R&R PARTNERS INCORPORATED's General Counsel.

Washington Field Division is also attempting to schedule additional witness interview(s) with the following individual(s) for the week of 04/26/2010 through 04/30/2010:

- 1) [] for P2SA EQUITY LLC, 10777 West Twain Avenue, Suite 115, Las Vegas, Nevada. Should confirmation of this interview not

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UNCLASSIFIED

UNCLASSIFIED

To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 04/20/2010

occur, SA [] and SA [] anticipate conducting a "knock and talk" interview with [] at his residence located at [] Las Vegas, Nevada.

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It should also be noted that Washington Field Division anticipates serving a Federal Grand Jury subpoena on the []

b3

[] Las Vegas, Nevada on/about 04/27/2010.

On 04/13/2010, SSA [] Las Vegas Division/Squad 13, was advised of SA [] and SA [] anticipated travel to Las Vegas Division. On 04/16/2010, SSA [] provided Washington Field Division with concurrence to travel for operational purposes.

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Washington Field Division will immediately notify SSA [] Las Vegas Division/Squad 13, if/when additional witness interviews are confirmed; and/or other unexpected scheduling changes occur.

Washington Field Division is not requesting operational assistance from FBI/Las Vegas Division at this time. However, Washington Field Division respectfully requests assistance in arranging for space (e.g. conference room) at FBI/Las Vegas Division's headquarters which can be used to facilitate the witness interviews of [] circa 04/28/2010 [afternoon]; and [] circa 04/29/2010 [afternoon/evening].

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Completed Travel Request Forms (FD-540) for SA [] and SA [] are attached to this communication for processing by Washington Field Division/Draft Office.

UNCLASSIFIED

UNCLASSIFIED

To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 04/20/2010

LEAD(s) :

Set Lead 1: (Action)

LAS VEGAS

AT LAS VEGAS, NEVADA

To request SAC/Las Vegas Division concurrence for SA [redacted] and SA [redacted] Washington Field Division/Northern Virginia Resident Agency, to travel to Las Vegas, Nevada from 04/26/2010 through 04/30/2010 in support of captioned public corruption investigation.

It is also requested that Las Vegas Division make arrangements for SA [redacted] and SA [redacted] to utilize appropriate space at FBI/Las Vegas Division's headquarters to facilitate witness interviews with [redacted] on 04/28/2010 [afternoon] ; and [redacted] on 04/29/2010 [afternoon/evening]. Other participants in these interviews will include Trial Attorney [redacted] U.S. Department of Justice/Criminal Division/Public Integrity Section; AUSA [redacted] United States Attorney's Office/District of Columbia; and retained legal counsel for each of the interviewed parties.

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Set Lead 2: (Info)

WASHINGTON FIELD

AT WASHINGTON, D.C. (DRAFT OFFICE)

Read and clear. For informational purposes only.

♦♦

UNCLASSIFIED

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 05/03/10 Time: 16:30

Case ID: 58C-WF-241033 Serial: 61

Description of Document:

Type : EC

Date : 04/12/10

To : WASHINGTON FIELD

From : WASHINGTON FIELD

Topic: IA RESPONDED TO A REQUEST FROM SA

Reason for Permanent Charge-Out:

ia put to wrong file, agent requested intel sub file

Transferred to:

Case ID: 58C-WF-241033-INTEL Serial: 2

Employee:

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/23/2010

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 (Pending) 62
58C-WF-241033 SUB INTEL (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: To request opening of Sub-File within substantive case-file.

[REDACTED]
Details: The purpose of this communication is to request the opening of the following Sub-file(s) within the substantive case-file:

1) SUB INTEL - This sub-file will be used as the primary repository for all analytical and intelligence-related workproducts compiled by Investigative Analysts (AI's) in furtherance of this public corruption investigation.

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UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/07/2010

To: Houston

Attn: SSA [REDACTED]

To: Washington Field

Attn: Draft Office

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

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b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 63(Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: To request SAC/Houston Division concurrence for SA [REDACTED] Washington Field Division, to travel to the Houston Division from 05/11/2010 to 05/12/2010 in support of captioned public corruption investigation.

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Administrative: E-mail exchange between SA [REDACTED] Washington Field Division/Northern Virginia Resident Agency/Squad CR-15; and SSA [REDACTED] on 05/07/2010 regarding required SAC approval for operational travel to Houston. The purpose of the anticipated operational travel is to complete a primary witness interview in furtherance of captioned public corruption investigation.

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b7C

Details: Captioned investigation was initially predicated on information reported in the 10/02/2009 edition of the New York Times newspaper and forwarded to Washington Field Division by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (CREW), a non-profit political watchdog group.

UNCLASSIFIED

[REDACTED] 00271.1C

UNCLASSIFIED

To: Houston From: Washington Field
Re: 58C-WF-241033, 05/07/2010

For the way of background, U.S. Senator JOHN E. ENSIGN (R-NEVADA) is a sitting member of the United States Senate. U.S. Senator ENSIGN was first elected to the United States Senate in 11/2000 and was re-elected to his second term circa 11/2006. U.S. Senator ENSIGN currently serves as a ranking member on several congressional committees and previously served as Chairman of the National Republican Senatorial Committee (NRSC) between 11/2006 and 11/2008.

[redacted] served as U.S. Senator ENSIGN's [redacted] between 11/08/2006 and 04/30/2008. In his role as [redacted] acted as U.S. Senator ENSIGN's [redacted]

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b7C

[redacted] More specifically, [redacted] was responsible for overseeing U.S. Senator ENSIGN's congressional staff, handling personnel matters, managing the operating budget, and addressing state-related issues.

On 06/16/2009, U.S. Senator ENSIGN publicly announced that he had engaged in an extramarital affair with an unnamed former campaign aide. [redacted]

[redacted] of U.S. Senator ENSIGN's senatorial re-election committee and leadership Political Action Committee (PAC) between 2007 and 2008. [redacted] with U.S. Senator ENSIGN's political [redacted]

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b7C

Captioned investigation addresses allegations that U.S. Senator ENSIGN conspired with [redacted] to violate federal laws

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

To: Houston From: Washington Field
Re: 58C-WF-241033, 05/07/2010

which restrict certain lobbying practices. It is specifically alleged that U.S. Senator ENSIGN utilized his official position to provide [redacted] job at NOVEMBER INCORPORATED, arranged for [redacted] to secure U.S. Senator ENSIGN's political supporters as clients, and permitted [redacted] to immediately lobby his senatorial office on behalf of those clients. U.S. Senator ENSIGN's purportedly orchestrated this arrangement with [redacted] in effort to remove [redacted] from his employment and mitigate any potential personal/professional fallout for engaging in an extramarital affair with [redacted]

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b7C

It is further alleged that U.S. Senator ENSIGN may have violated applicable federal campaign finance laws by disguising a \$96,000.00 severance payment to [redacted] as a "tax-free gift" in order to avoid publically disclosing the payment through mandatory filing with the U.S. Federal Elections Commission (FEC).

On 05/06/2010, SSA [redacted] Houston Division, was advised of SA [redacted] anticipated travel to the Houston Division. On 05/07/2010, SSA [redacted] provided Washington Field Division with concurrence to travel for operational purposes. The interview is scheduled to take place on 05/12/2010 at 1:00 p.m., at the Houston Division field office. The witness's name is [redacted] [redacted] will be represented by attorney [redacted] corporate attorney [redacted] might also possibly participate with the interview. Department of Justice Trial Attorney [redacted] [redacted] will participate in the interview with SA [redacted]

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Washington Field Division is not requesting operational assistance from FBI Houston at this time. However, Washington Field Division respectfully requests assistance in arranging for space (e.g. conference room) at Houston's headquarters which can be used to facilitate the witness interview.

Completed Travel Request Forms (FD-540) SA [redacted] [redacted] are attached to this communication for processing by Washington Field Division/Draft Office. Writer has requested approval of a rental car due to the need for transportation between the hotel, the Houston Division, and the airport. Transportation will also be required for Trial Attorney [redacted] from the Houston Division to the airport.

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UNCLASSIFIED

UNCLASSIFIED

To: Houston From: Washington Field
Re: 58C-WF-241033, 05/07/2010

LEAD(s):

Set Lead 1: (Action)

HOUSTON

HOUSTON, TEXAS

To request SAC/Las Vegas Division concurrence for SA
[REDACTED] Washington Field Division/Northern Virginia
Resident Agency, to travel to Houston from 05/11/2010 to
05/12/2010 in support of captioned public corruption
investigation.

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Set Lead 2: (Info)

WASHINGTON FIELD

AT WASHINGTON, D.C. (DRAFT OFFICE)

Read and clear. For informational purposes only.

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UNCLASSIFIED

[REDACTED]
05/02/2010

1

On March 29, 2010, at approximately 8:30 a.m., FBI Special Agents [REDACTED] attempted to locate and interview [REDACTED] Las Vegas, Nevada, 89149. Upon arrival at the residence, Agents [REDACTED] spoke with the current owner, [REDACTED] date of birth, [REDACTED] who indicated that he had purchased the residence approximately eight months ago from [REDACTED] [REDACTED] presently resides at this location with [REDACTED]. The purchase was a bank owned foreclosure. Prior to the sale [REDACTED] had leased out part of the property to [REDACTED] [REDACTED] still received mail for [REDACTED] at this address, but had never met [REDACTED] did not know of the current whereabouts of [REDACTED]

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Sometime after [REDACTED] moved into the residence, a man who was driving a RV camper parked in front of the property along [REDACTED]. After a while, [REDACTED] decided to confront the man about him being on the property. The unidentified man informed [REDACTED] that he had a lease with the former owner, which permitted him to park on the property. [REDACTED] advised the man that he was the current owner, and the old lease expired when [REDACTED] purchased the property. Afterwards, the man in the RV left the premises, and [REDACTED] has not seen him since. [REDACTED] had no further information concerning this person, and did not know if this person was [REDACTED]

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Copies of [REDACTED] criminal history and driver's license information are attached.

[REDACTED] 01232-INS [REDACTED]

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/10/2010

To: Tampa

Attn: SSRA [redacted]
Pinellas Resident Agency

To: New York

Attn: SA [redacted]
SA [redacted]
White Plains Resident Agency

To: Washington Field

Attn: Draft Office

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 58C-WF-241033 65 (Pending)

[redacted] (Pending 357

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Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[redacted]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH

Synopsis: To request SAC/Tampa Division concurrence for SA [redacted]
[redacted] Washington Field Division/Northern Virginia Resident
Agency, to travel to Clearwater, Florida between 05/12/2010 and
05/13/2010 in support of captioned public corruption
investigation.

[redacted]
Administrative: ReTelCal between SA [redacted] Washington
Field Division/Northern Virginia Resident Agency/Squad CR-15; and
SSRA [redacted] Tampa Division/Pinellas Resident Agency
circa 05/10/2010 regarding SAC approval for operational travel to
Clearwater, Florida. The purpose of SA [redacted] travel is to

UNCLASSIFIED

[redacted]
46 5/13/10
[redacted] b6
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[redacted] 10130A.ec

UNCLASSIFIED

To: Tampa From: Washington Field
Re: 58C-WF-241033, 05/10/2010

conduct a proffered witness interview in furtherance of captioned public corruption investigation.

ReTelCal between SA [redacted] Washington Field Division/Northern Virginia Resident Agency/Squad CR-15; and SA [redacted] New York Division; circa 05/10/2010 regarding the anticipated interview of [redacted] a main subject in 281A-NY-294835.

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Details: The purpose of this communication is to request SAC/Tampa Division concurrence for SA [redacted] Washington Field Division/Northern Virginia Resident Agency, to travel to Clearwater, Florida between 05/12/2010 and 05/13/2010 in support of captioned public corruption investigation.

Captioned investigation was initially predicated on information reported in the 10/02/2009 edition of the New York Times newspaper and forwarded to Washington Field Division by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (CREW), a non-profit political watchdog group.

For the way of background, U.S. Senator JOHN E. ENSIGN (R-NEVADA) is a sitting member of the United States Senate. U.S. Senator ENSIGN was first elected to the United States Senate in 11/2000 and was re-elected to his second term circa 11/2006. U.S. Senator ENSIGN currently serves as a ranking member on several congressional committees and previously served as Chairman of the National Republican Senatorial Committee (NRSC) between 11/2006 and 11/2008.

[redacted] served as U.S. Senator ENSIGN's [redacted] between 11/08/2006 and 04/30/2008. In his role as [redacted] acted as U.S. Senator ENSIGN's [redacted]

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[redacted] More specifically, [redacted] was responsible for overseeing U.S. Senator ENSIGN's congressional staff, handling personnel matters, managing the operating budget, and addressing state-related issues.

On 06/16/2009, U.S. Senator ENSIGN publicly announced that he had engaged in an extramarital affair with an unnamed former campaign aide. [redacted]

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[redacted] of U.S. Senator ENSIGN's senatorial re-election committee and leadership Political Action Committee (PAC) between 2007 and 2008. [redacted]

UNCLASSIFIED

UNCLASSIFIED

To: Tampa From: Washington Field
Re: 58C-WF-241033, 05/10/2010

[redacted] with U.S. Senator ENSIGN's political

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Captioned investigation addresses allegations that U.S. Senator ENSIGN conspired with [redacted] to violate the one-year lobbying ban imposed on former senatorial staffers. It is specifically alleged that U.S. Senator ENSIGN utilized his official position to provide [redacted] lobbying job at NOVEMBER INCORPORATED; arranged for [redacted] to secure U.S. Senator ENSIGN's political supporters as clients; and permitted [redacted] to immediately lobby his senatorial office on behalf of those clients. U.S. Senator ENSIGN's purportedly orchestrated this arrangement in effort to remove [redacted] from his employment and permit HAMPTON to maintain an income which would equal or exceed [redacted] federal salary as a high-level staffer. U.S. Senator ENSIGN's purported motivation for this scheme was to mitigate any personal, professional, and political fallout for engaging in an extramarital affair with [redacted]

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It is further alleged that U.S. Senator ENSIGN may have violated applicable federal campaign finance laws by disguising a \$96,000.00 severance payment to the [redacted] as a "tax-free gift" in order to avoid publically disclosing the payment through mandatory filing with the U.S. Federal Elections Commission (FEC).

On 12/16/2009, [redacted] [Protect Identity] was arrested in Las Vegas, Nevada by FBI/New York Division in 281A-NY-294835 and charged numerous federal offenses related to Internet Gambling, Fraud, and Money Laundering. [redacted] has

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UNCLASSIFIED

UNCLASSIFIED

To: Tampa From: Washington Field
Re: 58C-WF-241033, 05/10/2010

[redacted] with the United States Attorney's Office for the Southern District of New York (USAO/SDNY) and has been debriefed by FBI/New York Division. Through his retained legal counsel, [redacted] recently made representations to Assistant U.S. Attorney [redacted] USAO/SDNY, that [redacted]

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[redacted]

[redacted]

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On 05/13/2010, at approximately 10:00 a.m., SA [redacted] is scheduled to conduct [redacted]

[redacted] circumstances related to captioned matter. Other participants in this interview will include Trial Attorney [redacted] United States Department of Justice/Criminal Division/Public Corruption Unit, telephone [redacted] a New York criminal attorney representing [redacted]

For the information of Tampa Division, [redacted] is identified as follows:

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Name: [redacted]
DOB: [redacted]
FBI No: [redacted]
SID No: [redacted]
Sex: Male
Race: Caucasian
Height: [redacted]
Weight: [redacted]
SSAN: [redacted]
Address: [redacted]
Las Vegas, Nevada 89134
Home Tel: [redacted]

On 05/10/2010, SSRA [redacted] Tampa Division/Pinellas Resident Agency, was telephonically advised of

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UNCLASSIFIED

UNCLASSIFIED

To: Tampa From: Washington Field
Re: 58C-WF-241033, 05/10/2010

SA [] anticipated travel to [] to conduct an interview with [] SSRA [] subsequently provided Washington Field Division with verbal concurrence to travel to Tampa Division's territory for this purpose.

It should be noted that Washington Field Division is not requesting operational assistance from Tampa Division at this time.

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A completed Travel Request Form (FD-540) for SA [] is attached to this communication for processing by Washington Field Division/Draft Office.

UNCLASSIFIED

UNCLASSIFIED

To: Tampa From: Washington Field
Re: 58C-WF-241033, 05/10/2010

LEAD(s):

Set Lead 1: (Action)

TAMPA

AT PINELLAS RESIDENT AGENCY

To request SAC/Tampa Division concurrence for SA [redacted]
[redacted], Washington Field Division/Northern Virginia Resident
Agency, to travel to [redacted] from 05/12/2010 through
05/13/2010 in support of captioned public corruption
investigation.

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Set Lead 2: (Info)

NEW YORK

AT WHITE PLAINS RESIDENT AGENCY

Read and clear. For informational purposes only.

Set Lead 3: (Info)

WASHINGTON FIELD

AT WASHINGTON, D.C. (DRAFT OFFICE)

Read and clear. For informational purposes only.

♦♦

UNCLASSIFIED

58C-WF-241033 66

05/24/2010

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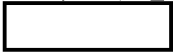
On May 12, 2010, Special Agent [redacted] received the attached criminal history pertaining to [redacted] date of birth [redacted] social security number, [redacted] while located at the FBI Houston Division. The query was conducted prior to the interview conducted with [redacted] on this same date.

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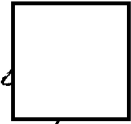
5/25/10

[redacted] 0441ins


58C-WF-241033 67




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Enclosed for submission into the substantive case-file are copies of E-mail Preservation Letter(s) [with corresponding facsimile cover-sheets] which were served on miscellaneous Internet Service Providers (ISP) in support of captioned investigation:

| Target E-mail Address | Internet Service Provider | Date of Preservation Letter |
|---|---------------------------|-----------------------------|
|  | Cox Communications | 06/03/2010 |

The aforementioned Preservation Letter was served by  for the U.S. Department of Justice/Criminal Division/Public Integrity Section, via facsimile. This ISP was directed to preserve all data in their possession for the next ninety (90) days without providing notice to the respective account holder.



0155 A. in





U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

June 3, 2010

By Fax and Mail

Cox Communications, Inc.
1400 Lake Hearn Drive
Atlanta, GA 30319-1464
ATTN: Records Custodian
FAX: (404) 269-1898

Re: Preservation Request



Dear Custodian of Records:

The Department of Justice is conducting an on-going criminal investigation that involves a Cox Communications user. As part of that on-going investigation and pursuant to 18 U.S.C. § 2703(f), we are requesting that information currently in your possession related to the Cox Communications e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, account contents (including all available e-mail in all folders) and any saved photos or other medial related to the following customer or subscriber:

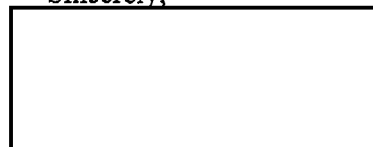


b6 per OGA
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At this time, we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

If you have ~~any questions concerning~~ this request, please contact me as soon as possible. I can be reached at  I also request you provide written confirmation that Cox Communications has taken appropriate measures to preserve this information, without notice to the account holder. You can send such confirmation to my attention by e-mail to  or by fax to 202-514-3003. Thank you for your assistance with this matter.

Sincerely,



U.S. Department of Justice

TRANSMISSION REPORT

(THU) JUN 3 2010 15:08
DOJ PUBLIC INTEGRITY

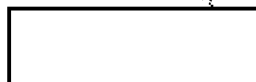
| DOCUMENT # | TIME STORED | TIME SENT | DURATION | PAGE(S) | MODE | RESULT |
|-------------|-------------|------------|----------|---------|------|--------|
| 4861578-843 | 6. 3 15:07 | 6. 3 15:07 | 49" | 2 | G3 | OK |

| DESTINATION | DST. TEL # |
|--------------|--------------|
| 914042691898 | 914042691898 |

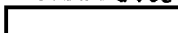


IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

FROM:



U.S. Department of Justice
Criminal Division, Public Integrity Section
Bond Building, Room 12100
1400 New York Ave., NW
Washington, DC 20005

Fax No. 202/514-3003
Voice No. 

DATE: June 3, 2010

PIN-PBB

TO: ATTN: Records Custodian
Cox Communications, Inc.

FAX: 404/269-1898

PAGES: 2

b6 per OGA
b7C

On 06/23/2010, [REDACTED] United States Department of Justice/Criminal Division/Public Integrity Section, made a formal written request to the following members of the U.S. Senate seeking the production of certain documents in furtherance of captioned investigation:

- 1) United States Senator Richard J. Durbin
309 Hart Senate Office Building
Washington, D.C. 20510
- 2) United States Senator Charles E. Schumer
313 Hart Senate Office Building
Washington, D.C. 20510
- 3) United States Senator James DeMint
340 Russell Senate Office Building
Washington, D.C. 20510
- 4) United States Senator Thomas Coburn
172 Russell Senate Office Building
Washington, D.C. 20510
- 5) United States Senator Max Baucus
511 Hart Senate Office Building
Washington, D.C. 20510
- 6) United States Senator Byron L. Dorgan
322 Hart Senate office Building
Washington, D.C. 20510
- 7) United States Senator John Thune
439 Russell Senate Office Building
Washington, D.C. 20510

This formal request for documents was made via official letter dated 06/23/2010 and forwarded directly to each of the aforementioned U.S. Senators via Federal Express delivery. Duplicate "courtesy copies" of each letter were also sent to Morgan J. Frankel, Legal Counsel to the U.S. Senate; and each U.S. Senator's respective Chief-of-Staff via E-mail.

Production of the requested documents was required by 07/08/2010 absent any approved dead-line extension. The requested documents were identified as follows:

- 1) Documents regarding [REDACTED] for the time-period of 04/30/2008 through 06/23/2010. [Request applies to U.S. Senator Durbin, U.S. Senator

Schumer, U.S. Senator DeMint; U.S. Senator Coburn, U.S. Senator Baucus, U.S. Senator Dorgan, and U.S. Senator Thune]

- 2) Documents regarding a 03/2009 meeting with between each U.S. Senator and/or members of their respective staff and ALLEGiant AIRLINES executives including [REDACTED] and/or [REDACTED] [Request applies to U.S. Senator Durbin, U.S. Senator DeMint, U.S. Senator Coburn, and U.S. Senator Thune only]

b6 per OGA
b7c

- 3) Documents regarding communications to or from [REDACTED] or U.S. Senator JOHN ENSIGN [REDACTED] for the time-period of 11/01/2007 through 06/23/2010. [Request applies to U.S. Senator Durbin, U.S. Senator DeMint, U.S. Senator Coburn, and U.S. Senator Thune only]
- 4) Documents regarding U.S. Senator JOHN ENSIGN and [REDACTED] for the time-period of 02/01/2008 through 03/30/2008. [Request applies to U.S. Senator Coburn only]

Individual copies of each letter sent to the aforementioned members of the U.S. Senate are attached to this communication for placement into the substantive case-file.



U.S. Department of Justice

Criminal Division

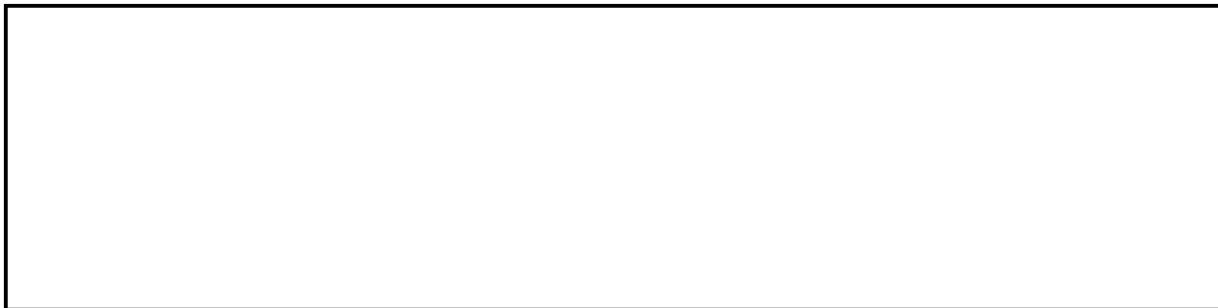
Washington, D.C. 20530

June 23, 2010

The Honorable Richard J. Durbin
309 Hart Senate Office Building
Washington, DC 20510

Re: Request for Documents

Dear Senator Durbin:



b3 per OGA
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3. For the time period from November 1, 2007 to June 23, 2010, all documents regarding communications to or from [redacted] or John Ensign relating to [redacted] or [redacted]

Please produce all responsive documents by July 8, 2010, unless a later date is

¹ For purposes of all requests in this letter, the term "documents" includes writings or records of every kind or character, conveying information by mechanical, electronic, photographic, or other means, whether encarded, taped, stored or coded electrostatically, electromagnetically, or otherwise. "Documents" includes but is not limited to correspondence, e-mail, notes, memoranda, minutes, summaries, telephone records, telephone message logs or slips, calendars, date books, interoffice communications, results of investigations, videotapes, audiotapes, microfiche, microfilm, any electronic media, and accounting and financial records of any kind (including checks (front and back), wire transfers, cash payments or receipts, and check requests). "Documents" refers to any record in the Office's possession, custody, or control, and "documents" includes all drafts or unfinished versions of documents.

subsequently agreed to by the undersigned. Responsive documents should be produced to:

FBI Special Agent [redacted]
9325 Discovery Boulevard
Manassas, VA 20109
telephone: [redacted]

b6 per OGA/FBI
b7C

Thank you for your cooperation in this matter. Please let us know if any issues arise or if you have any questions.

Very truly yours,

[redacted]

cc: Morgan Frankel, Esq., Senate Legal Counsel (via email)



U.S. Department of Justice

Criminal Division

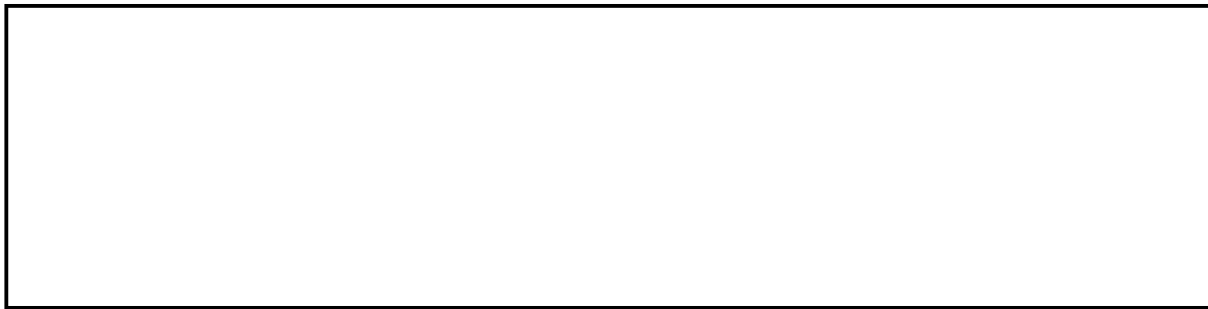
Washington, D.C. 20530

June 23, 2010

The Honorable Charles E. Schumer
313 Hart Senate Office Building
Washington, DC 20510

Re: Request for Documents

Dear Senator Schumer:



b3 per OGA
b6
b7C

FBI Special Agent [redacted]
9325 Discovery Boulevard
Manassas, VA 20109
telephone: [redacted]

b6 per FBI
b7C

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Thank you for your cooperation in this matter. Please let us know if any issues arise or if you have any questions.

Very truly yours,



b6 per OGA
b7C

cc: Morgan Frankel, Esq., Senate Legal Counsel (via email)



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

June 23, 2010

The Honorable Jim DeMint
340 Russell Senate Office Building
Washington, DC 20510

Re: Request for Documents

Dear Senator DeMint:



b3 per OGA
b6
b7C

3. For the time period from November 1, 2007 to June 23, 2010, all documents regarding communications to or from [redacted] or John Ensign [redacted] or [redacted]

Please produce all responsive documents by July 8, 2010, unless a later date is

¹ For purposes of all requests in this letter, the term "documents" includes writings or records of every kind or character, conveying information by mechanical, electronic, photographic, or other means, whether encarded, taped, stored or coded electrostatically, electromagnetically, or otherwise. "Documents" includes but is not limited to correspondence, e-mail, notes, memoranda, minutes, summaries, telephone records, telephone message logs or slips, calendars, date books, interoffice communications, results of investigations, videotapes, audiotapes, microfiche, microfilm, any electronic media, and accounting and financial records of any kind (including checks (front and back), wire transfers, cash payments or receipts, and check requests). "Documents" refers to any record in the Office's possession, custody, or control, and "documents" includes all drafts or unfinished versions of documents.

subsequently agreed to by the undersigned. Responsive documents should be produced to:

FBI Special Agent [REDACTED]
9325 Discovery Boulevard
Manassas, VA 20109
telephone: [REDACTED]

b6 per FBI
b7C

Thank you for your cooperation in this matter. Please let us know if any issues arise or if you have any questions.

Very truly yours,

[REDACTED]

b6 per OGA
b7C

cc: Morgan Frankel, Esq., Senate Legal Counsel (via email)



U.S. Department of Justice

Criminal Division

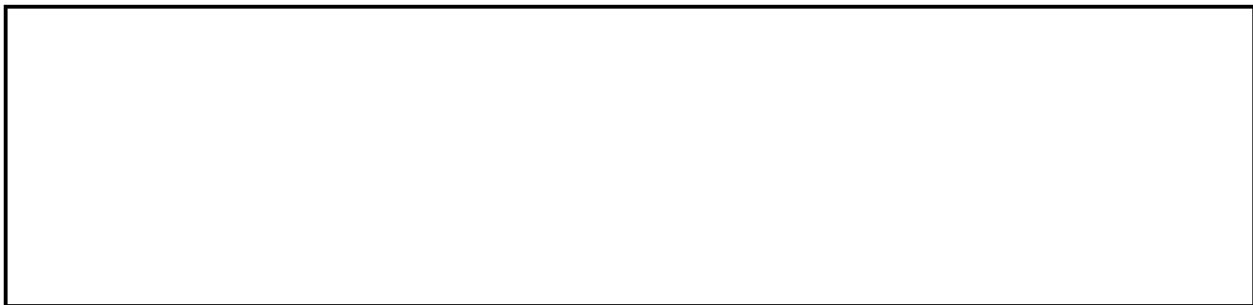
Washington, D.C. 20530

June 23, 2010

The Honorable Tom Coburn
172 Russell Senate Office Bldg.
Washington, DC 20510

Re: Request for Documents

Dear Senator Coburn:



b3 per OGA
b6
b7c

3. For the time period from November 1, 2007 to June 23, 2010, all documents regarding communications to or from [redacted] or John Ensign [redacted] or [redacted]
4. For the time period from February 1, 2008, to March 30, 2008, any documents regarding John Ensign AND [redacted]

Please produce all responsive documents by July 8, 2010, unless a later date is

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subsequently agreed to by the undersigned. Responsive documents should be produced to:

FBI Special Agent [redacted]
9325 Discovery Boulevard
Manassas, VA 20109
telephone: [redacted]

b6 per FBI
b7C

Thank you for your cooperation in this matter. Please let us know if any issues arise or if you have any questions.

Very truly yours,

[redacted signature box]

b6 per OGA
b7C

cc: Morgan Frankel, Esq., Senate Legal Counsel (via email)



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

June 23, 2010

The Honorable Max Baucus
511 Hart Senate Office Building
Washington, DC 20510

Re: Request for Documents

Dear Senator Baucus:



b3 per OGA
b6
b7C

Please produce all responsive documents by July 8, 2010, unless a later date is subsequently agreed to by the undersigned. Responsive documents should be produced to:

FBI Special Agent [redacted]
9325 Discovery Boulevard
Manassas, VA 20109
telephone: [redacted]

b6 per FBI
b7C

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Thank you for your cooperation in this matter. Please let us know if any issues arise or if you have any questions.

Very truly yours,



b6 per OGA
b7C

cc: Morgan Frankel, Esq., Senate Legal Counsel (via email)



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

June 23, 2010

The Honorable Byron L. Dorgan
322 Hart Senate Office Building
Washington, DC 20510

Re: Request for Documents

Dear Senator Dorgan:



b3 per OGA
b6
b7C

Please produce all responsive documents by July 8, 2010, unless a later date is subsequently agreed to by the undersigned. Responsive documents should be produced to:

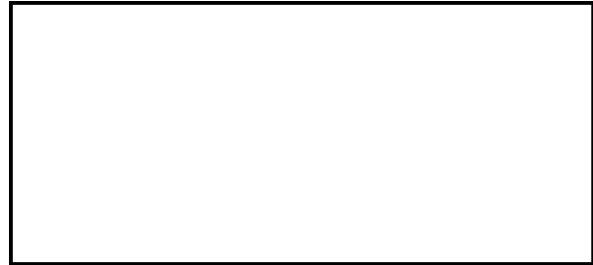
FBI Special Agent [redacted]
9325 Discovery Boulevard
Manassas, VA 20109
telephone: [redacted]

b6 per FBI
b7C

¹ For purposes of all requests in this letter, the term "documents" includes writings or records of every kind or character, conveying information by mechanical, electronic, photographic, or other means, whether encarded, taped, stored or coded electrostatically, electromagnetically, or otherwise. "Documents" includes but is not limited to correspondence, e-mail, notes, memoranda, minutes, summaries, telephone records, telephone message logs or slips, calendars, date books, interoffice communications, results of investigations, videotapes, audiotapes, microfiche, microfilm, any electronic media, and accounting and financial records of any kind (including checks (front and back), wire transfers, cash payments or receipts, and check requests). "Documents" refers to any record in the Office's possession, custody, or control, and "documents" includes all drafts or unfinished versions of documents.

Thank you for your cooperation in this matter. Please let us know if any issues arise or if you have any questions.

Very truly yours,



b6 per OGA
b7C

cc: Morgan Frankel, Esq., Senate Legal Counsel (via email)



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

June 23, 2010

The Honorable John Thune
493 Russell Senate Office Building
Washington, DC 20510

Re: Request for Documents

7

Dear Senator Thune:

[Redacted]

b3 per OGA
b6
b7C

3. For the time period from November 1, 2007 to June 23, 2010, all documents regarding communications to or from [Redacted] or John Ensign [Redacted] or [Redacted]

Please produce all responsive documents by July 8, 2010, unless a later date is

¹ For purposes of all requests in this letter, the term "documents" includes writings or records of every kind or character, conveying information by mechanical, electronic, photographic, or other means, whether encarded, taped, stored or coded electrostatically, electromagnetically, or otherwise. "Documents" includes but is not limited to correspondence, e-mail, notes, memoranda, minutes, summaries, telephone records, telephone message logs or slips, calendars, date books, interoffice communications, results of investigations, videotapes, audiotapes, microfiche, microfilm, any electronic media, and accounting and financial records of any kind (including checks (front and back), wire transfers, cash payments or receipts, and check requests). "Documents" refers to any record in the Office's possession, custody, or control, and "documents" includes all drafts or unfinished versions of documents.

subsequently agreed to by the undersigned. Responsive documents should be produced to:

FBI Special Agent [redacted]
9325 Discovery Boulevard
Manassas, VA 20109
telephone: [redacted]

b6 per FBI
b7C

Thank you for your cooperation in this matter. Please let us know if any issues arise or if you have any questions.

Very truly yours,

[redacted]

b6 per OGA
b7C

cc: Morgan Frankel, Esq., Senate Legal Counsel (via email)



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Washington Field Division
Northern Virginia Resident Agency
9325 Discovery Boulevard
Manassas, Virginia 20109-3992

July 21, 2010

[Redacted]
Law Office of Locke, Lord, Bissell & Liddell LLP
2200 Ross Avenue - Suite 2200
Dallas, Texas 75201

RE: Investigative Matter regarding
U.S. Senator John E. Ensign

VIA FEDERAL EXPRESS DELIVERY

b6
b7C

Dear [Redacted]

Pursuant to your recent discussion with Trial Attorney
[Redacted] of the U.S. Department of Justice's Public
Integrity Section, I am forwarding you duplicate copies of the
following evidentiary items for your review:

1)

2)

3)

b3
b6
b7C



1908 - 2008 A Century of Fidelity, Bravery, and Integrity

58C-WF-241033

74

b6
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0202A. HR

[redacted]
[redacted]

The FBI will not access the electronic communication data contained on the [redacted] until the appropriate approval and/or legal guidance is obtained from federal prosecutors assigned to this investigation.

b3

In the event you should have any questions concerning this matter, please feel free to direct your inquiries to FBI Special Agent [redacted] at [redacted] E-mail address: [redacted]@ic.fbi.gov; or Trial Attorney [redacted] at [redacted] Email address: [redacted]

Sincerely yours,

b6
b7C

[redacted] Special Agent
Federal Bureau of Investigation

Enclosures:

[redacted]

b3

Courtesy Copy:

[redacted] (via Email)
[redacted] (via Email)

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/10/2010

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 ⁷⁵(Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: To request assignment of SA [REDACTED]
Washington Field Division/Squad CR-15, as third co-case agent in
captioned matter; and provide SA [REDACTED] with full-
access to this "Restricted Access" investigation.

[REDACTED]
Details: This communication requests SA [REDACTED]
Washington Field Division/Squad CR-15, be assigned as third co-
case agent in captioned investigation; and such designation be
appropriately reflected in Automated Case Support (ACS) system.

This communication also requests that SA [REDACTED]
[REDACTED] be granted full-access to this "Restricted Access"
investigation, to include all sub-files (e.g. SUB 302; SUB MEDIA;
SUB GJ; etc).

Assign [REDACTED]
as co-case agent
and grant her access
to all files.
8/10/10

b6
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b7C
b7E

b6
b7C

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 01/31/11 Time: 09:55

Case ID: 58C-WF-241033 Serial: 78

Description of Document:

Type : FD302

Date : 08/06/10

To : WASHINGTON FIELD

From : WASHINGTON FIELD

Topic: ON JULY 30, 2010, RECEIVED VOLUNTARY RETURN, DOCUMENTS

Reason for Permanent Charge-Out:

agent requested document be moved to subfile.

Transferred to:

b6
b7C

Case ID: 58C-WF-241033-302 Serial: 58

Employee:

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/08/2010

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident\Agency

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 58C-WF-241033 *81* (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[redacted]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[redacted]

Synopsis: To request assignment of SA [redacted] Washington Field Division/Squad CR-15, as fourth co-case agent in captioned matter; and provide SA [redacted] with full-access to this "Restricted Access" investigation.

Details: This communication requests SA [redacted] Washington Field Division/Squad CR-15, be assigned as fourth co-case agent in captioned investigation; and such designation be appropriately reflected in Automated Case Support (ACS) system.

This communication also requests that SA [redacted] be granted full-access to this "Restricted Access" investigation, to include all sub-files (e.g. SUB 302; SUB MEDIA; SUB GJ; etc).

♦♦

*add SA [redacted]
as co-case agent
9/9/10*

10/15/10

(X)

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b6
b7C
b7E

b6
b7C

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Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 10/27/10 Time: 15:32

Case ID: 58C-WF-241033 Serial: 83

Description of Document:

Type : FD302
Date : 08/04/10
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic:

Reason for Permanent Charge-Out:

should have been serialized to 302 sub; transferring

Transferred to:

Case ID: 58C-WF-241033-302 Serial: 50

Employee:

b6
b7c

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/12/2010

To: Las Vegas

Attn: SSA [REDACTED]
Squad 13

From: Washington Field Office
CR-15/NVRA

Contact: SA [REDACTED]

b6
b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 (Pending) 85

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CFPO-LEGISLATIVE BRANCH
[REDACTED]

b6
b7C
b7E

Synopsis: To request that the Las Vegas Division assist with the interview of [REDACTED] which is scheduled for November 22, 2010 at the FBI Las Vegas Division.

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Reference: Telcal between writer and SSA [REDACTED] on 11/12/2010.

Details: Captioned investigation was predicated on information publically reported in the news media and through a non-profit political watchdog group. This investigation addresses allegations that U.S. Senator JOHN E. ENSIGN (R-NV); and [REDACTED] for U.S. Senator ENSIGN's senatorial office, conspired to violate Title 18, United States Code, Section 207 [One-year Congressional Lobbying Ban]. It is specifically alleged that U.S. Senator ENSIGN utilized his official position to provide [REDACTED] lobbying job; assisted [REDACTED] in securing his political supporters as prospective clients; and permitted [REDACTED] to lobby his senatorial office on behalf of those clients immediately upon [REDACTED] from U.S. Senator ENSIGN's staff. This was purportedly done in order to discretely remove [REDACTED] from U.S. Senator ENSIGN's employment, provide [REDACTED] with

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UNCLASSIFIED

[REDACTED] 03162.FC

UNCLASSIFIED

To: Las Vegas From: Washington Field Office
Re: 58C-WF-241033, 11/12/2010

financial security, and prevent [redacted] from publically disclosing the fact that U.S. Senator ENSIGN had engaged in an extramarital affair with [redacted]

[redacted]

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It is further alleged that U.S. Senator ENSIGN may have violated applicable campaign finance laws by disguising a \$96,000.00 severance payment to [redacted] as a "tax-free gift". This was reportedly done by U.S. Senator ENSIGN in order to avoid publically disclosing the payment through mandatory filings with the U.S. Federal Election Commission (FEC).

The proposed interview with [redacted] is scheduled to take place at the FBI Las Vegas Division, on Monday, November 22, 2010 at 10:00 a.m. Department of Justice Trial Attorney [redacted] and Trial Attorney [redacted] will be traveling from Washington, D.C. to Las Vegas to assist with the interview.

[redacted] desk number is [redacted] and [redacted] number is [redacted] (Blackberry). [redacted] Bio-Diesel of Las Vegas, which was associated with P2SA Equity (P2SA). P2SA was a subsidiary of New-Com Construction, owned by [redacted]

[redacted] were allegedly contacted by Senator Ensign about the possibility of hiring [redacted] was also associated with Bio-Diesel of Las Vegas.

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[redacted] is further described as follows:

Name: [redacted]
Alias: [redacted]
Sex: Male
Race: Caucasian
DOB: [redacted]
SSAN: [redacted]
Phone: [redacted]
Email: [redacted]

UNCLASSIFIED

UNCLASSIFIED

To: Las Vegas From: Washington Field Office
Re: 58C-WF-241033, 11/12/2010



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UNCLASSIFIED

UNCLASSIFIED

To: Las Vegas From: Washington Field Office
Re: 58C-WF-241033, 11/12/2010

LEAD(s) :

Set Lead 1: (Action)

LAS VEGAS

AT LAS VEGAS, NEVADA

It is requested that the Las Vegas Division assist with the interview of [REDACTED] which is scheduled to take place on 11/22/2010.

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UNCLASSIFIED

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 11/19/10 Time: 09:25

Case ID: 58C-WF-241033 Serial: 86

Description of Document:

Type : OTHER
Date : 11/15/10
To : WASHINGTON FIELD
From : THEHILL.COM
Topic: SEN. ENSIGN BELOW 50 PERCENT IN POTENTIAL 2012 MATCH-UP AGAI

Reason for Permanent Charge-Out:

file to subfile "media"

Transferred to:

Case ID: 58C-WF-241033-MEDIA Serial: 102

Employee:

b6
b7c

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 01/31/11 Time: 09:56

Case ID: 58C-WF-241033 Serial: 87

Description of Document:

Type : FD302
Date : 11/22/10
To : WASHINGTON FIELD
From : LAS VEGAS
Topic: INTERVIEW OF

Reason for Permanent Charge-Out:

agent requested document be moved to subfile.

Transferred to:

Case ID: 58C-WF-241033-302 Serial: 59

Employee:

b6
b7C

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/01/2010

To: Washington Field

Attn: SA [REDACTED]
CR-15/NVRA

From: Las Vegas

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033-88 (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CFPO-LEGISLATIVE BRANCH
[REDACTED]

Synopsis: The purpose of this commutation is to report result of Washington Fields requested interview of [REDACTED] which was conducted on November 22, 2010.

Enclosure(s): Enclosed for receiving office original and one copy of FD-302 interview of [REDACTED] Also enclosed is a 1A envelope with agent interview notes.

Details: On November 22, 2010, at the request of Washington Field Office a interview was conducted of [REDACTED] in reference to captioned matter. Conducting the interview was Department Of Justice Trial Attorney [REDACTED] and SA [REDACTED] [REDACTED] Las Vegas Office. Enclosed with this communication is the FD-302 of that interview, along with a 1A envelope with the interviewing agents original interview notes.

68819_10_

UNCLASSIFIED

58C-WF-241033-88

UNCLASSIFIED

To: Washington Field From: Las Vegas
Re: 58C-WF-241033, 12/01/2010

LEAD(s) :

Set Lead 1: (Info)

WASHINGTON FIELD

AT WASHINGTON FIELD, NORTHERN VIRGINIA RA

Read and Clear

♦♦

UNCLASSIFIED

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 01/31/11 Time: 09:57

Case ID: 58C-WF-241033 Serial: 90

Description of Document:

Type : FD302
Date : 12/29/10
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: INTERVIEW

Reason for Permanent Charge-Out:

agent requested document be moved to subfile.

Transferred to:

Case ID: 58C-WF-241033-302 Serial: 60

Employee:

b6
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03/28/2011

***** INDICTMENT *****

SENSITIVE / UNCLASSIFIED

Case Number: 58C-WF-241033
Serial No.: 92Stat Agent Name:
Stat Agent SOC.: Report Date: 03/28/2011
Accom Date.: 03/24/2011

| Does Accomplishment Involve | Assisting Joint Agencies | Assisting Agents SOC | Subject Name |
|-----------------------------------|--------------------------|----------------------|----------------------|
| Drugs : N | | <input type="text"/> | <input type="text"/> |
| A Fugitive. : N | | | |
| Bankruptcy Fraud. : N | | | |
| Computer Fraud/Abuse. : N | | | |
| Corruption of Public Officials: N | | | |
| Money Laundering. : N | | | RA Squad Task Force |
| | | | NVRA CR15 |

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Sub. Invest. Asst by Other FOs:

1 = Used, but did not help
2 = Helped, Minimally
3 = Helped, Substantially
4 = Absolutely Essential

Investigative Assistance or Technique Used

| | | | |
|---------------|---------------|----------------|----------------|
| FINAN ANALYST | LAB FIELD SUP | UCO - NAT BACK | VICT-WITN COOR |
| AIRCRAFT ASST | PEN REGISTERS | NCAVC/VI-CAP | IO WANTED FLYR |
| COMPUTER ASST | PHOTO COVERGE | CRIM/NS INTEL | SARS |
| CONSEN MONITR | POLYGRAPH | CRIS NEG-FED | CART |
| ELSUR/FISC | SRCH WAR EXEC | CRIS NEG-LOC | ASSET FORF PRO |
| ELSUR/III | SHOW MONEY | ERT ASST | FORF SUPPORT P |
| ENG FIELD SUP | SOG ASST | BUTTE OSC | TFOS/CTD |
| ENG TAPE EXAM | SWAT TEAM | SAV OSC | CXS/CTD |
| LEGATS ASST. | TECH AG/EQUIP | POC SC | INFRAGARD/CYD |
| EVIDNCE PURCH | TEL TOLL RECS | FT. MON-NRCSC | OFC/CID |
| INFORMANT/CW | UCO-GROUP I | FOR LANG ASST | PPP |
| LAB DIV EXAMS | UCO-GROUP II | NON FBI LAB EX | FUSION CENTERS |

Indictment is for Federal, Local, or International (F/L/I).... F

U. S. Code Violation(s)

Form FD-515a Side 2:

Subject's Role =

| Title | Section | Counts |
|-------|---------|--------|
| 18 | 207 | 7 |

Subject's Criminal Activity :

If Other, Specify. . . . :

Business Influenced/Affected:

If Other, Specify.:

If NON-LCN Member or Associate (M/A):

Name of NON-LCN Criminal Group. . . . :

Name of Company Subject Connected with:

Elected/Appointed Public Official Position:

If Other, Specify. :

If La Cosa Nostra (LCN) Member or Asso (M/A):

Name of LCN Organized Crime Group (OCG):

Position in LCN OCG:

Name of Union:

Union Affiliation:

If Other, Specify:

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/25/2011

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-24103390 (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH

Synopsis: Case Status Update/Return of Indictment for [REDACTED]
[REDACTED]

Enclosures: Enclosed for submission into the substantive case-file is one (1) copy of a Indictment charging [REDACTED] with seven (7) counts of violating Title 18, United States Code, Section 207 [Post-employment Restrictions for Former Senate Staff Members]. This Indictment was filed within the United States District Court for the District of Columbia on 03/24/2011.

Details: On 03/08/2011 and 03/24/2011, [REDACTED] Washington Field Division/Squad CR-15, appeared before a Federal Grand Jury sitting in the United States District Court for the District of Columbia and provided summary testimony regarding captioned investigation. On 03/24/2011, the Federal Grand Jury returned an Indictment charging [REDACTED] (DOB: [REDACTED] SSAN: [REDACTED] with seven (7) counts of violating Title 18, United States Code, Section 207 [Post-employment Restrictions for Former Senate Staff Members].

Following the Return of this Indictment, a Summons was issued for [REDACTED] to appear before United States Magistrate Judge John M. Facciola on 03/31/2011 at 1:45 p.m. for Initial Appearance/Arraignment.

It should be noted that the U.S. Department of Justice has decided not pursue criminal charges against U.S. Senator JOHN

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UNCLASSIFIED

To: Washington Field From: Washington Field
Re: 58C-WF-241033, 03/25/2011

E. ENSIGN or [REDACTED] was identified as ENSIGN's [REDACTED]
[REDACTED]

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A copy of the aforementioned Indictment (Docket Number: CR-11-085) is attached to this communication for placement into the substantive case-file.

A "Statistical Accomplishment Report" form (FD-515) has been submitted to reflect an Indictment in this matter.

♦♦

Accomplishment Report

Date Prepared 3/25/11Date Loaded 3/28/11Date Loader's Initials [Redacted]Squad supervisor approval
(please initial)(Accomplishment must be reported and loaded into
days from date of accomplishment)

Accomplishment involves:
(check all that apply)

Drugs ☐

A Fugitive ☐

Bankruptcy Fraud ☐

Computer Fraud/Abuse ☐

Corruption of Public Official ☐

Money Laundering ☐

Sub Invest Asst by FO(s) ☐

Asst. FO(s)
A. B. C. D.Task Force Assisting Agencies x •
1.
2.

File Number
58C-WF-241033

Stat Agent Soc. Sec. No.
154 - 68 - 3521

Stat Agent Name

RA NVRA Squad CR-15

Assisting Agents Soc. Sec. No. x
1.
Name:
2.
Name:

Investigative Assistance or Technique Used

1. Used, but did not help
2. Helped, minimally
3. Helped, substantially
4. Absolutely essential

For Sub. Invest. Assist. by other FO(s) indicate A, B, C, D for corresponding FO

| Rate | FO | IAT | Rate | FO | IAT | Rate | FO | IAT | Rate | FO | IAT |
|------|-----------------|-----|------|-----------------|-----|------|--------------------|-----|------|-------------------|-----|
| | Fin. Analyst | | | Lab. Field Sup | | | UCO - Nat. Back | | | Vict-Witn Coor | |
| | Aircraft Asst. | | | Pen Registers | | | NCAVC/ Vi-CAP | | | IO Wanted Flyer | |
| | Computer | | | Photo Cover | | | Crim/NS Intel Asst | | | SARs | |
| | Consen Mon. | | | Polygraph | | | Crisis Neg.- Fed | | | CART | |
| | ELSUR / FISC | | | Search Warrant | | | Crisis Neg.- Local | | | Asset Forf Prog | |
| | ELSUR / T. III | | | Show Money | | | ERT Asst. | | | Forf Support Proj | |
| | Eng. Field Spt. | | | SOG Asst. | | | Butte - OSC | | | TFOS/CTD | |
| | Eng. Tape Ex. | | | Swat Team | | | Sav - OSC | | | CXS/CTD | |
| | Legats Asst. | | | Tech. Ag/Equip. | | | Poc - SC | | | InfraGard/CyD | |
| | Evid. Purchase | | | Phone Toll Rec | | | Tech Resp Unit | | | OFC/CID | |
| | Inf/CW Info | | | UCO - Group I | | | For. Lang Asst. | | | PPP | |
| | Lab. Div. Exam | | | UCO - Group II | | | Non FBI Lab Ex | | | Fusion Centers | |

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A. Complaint / Information/ Indictment

☒ Federal ☐ Local ☐ International

Complaint Date:

Check if Civil Rico Complaint ☐

Information Date:

Indictment Date: 03/24/2011

☐ Federal ☐ Local ☐ International

Conviction Date:

Subject Description Code • () •

For 6F, G, H-Include Agency Code

☐ Felony or ☐ Misdemeanor

☐ Plea or ☐ Trial

State: Judicial District:

J. Civil Rico Matters Date:

Also complete "Section G"

Other Civil Matters Date:

Judgment •

Judicial Outcome • x

Amount \$

Suspension: Years Months

B. Locate / Arrest

☐ Federal ☐ Local ☐ International

Subject Priority: ☐ A ☐ B ☐ C

Locate Date:

Arrest Date:

☐ Subject Resisted Arrest

☐ Subject Arrested was Armed

G. U.S. Code Violation

Required for sections A, B, F and J
(Federal Only)

| Title | Section | # Counts |
|-------------|-------------|-------------|
| <u>18</u> | <u>207</u> | <u>7</u> |
| <u> </u> | <u> </u> | <u> </u> |
| <u> </u> | <u> </u> | <u> </u> |

K. Administrative Sanction Date:

Subject Description Code •

Type: ☐ Suspension ☐ Permanent

☐ Debarment or ☐ Injunction

Year Months

C. Summons Date: 03/24/2011

☒ Federal ☐ Local

L. Asset Seizure Date:

Asset Forfeiture Date:

CATS # Mandatory

Circle below one of the three asset forfeiture:

Admin, Civil Judicial, or Criminal

Do not indicate \$ value in Section D

D. Recovery / Restitution / PELP X

☐ Federal ☐ Local ☐ International

Recovery Date:

Code • ✓ Amount \$

Code • ✓ Amount \$

Restitution Date:

☐ Court Ordered ☐ Pretrial Diversion

Code • ✓ Amount \$

PELP Date:

Code • ✓ Amount \$

H. Sentence Date:

Sentence Type: , , •

In Jail: Years Months

Suspended: Years Months

Probation: Years Months

Fines: \$

M. Acquittal/ Dismissal/ Pretrial Diversion

(Circle one) Date:

N. Drug Seizures ✓ Date:

Drug Code •

Weight Code •

FDIN

Do not indicate \$ in Section D

E. Hostages(s) Released Date:

Released by: ☐ Terrorist ☐ Other

Number of Hostages:

I. Disruption/Dismantlement: ✓

Disruption Date:

Dismantlement Date:

Completion of FD-515a Side 2 Mandatory

O. Child Victim Information

Child located / Identified Date:

☐ Living ☐ Deceased

P. Subject Information - Required for all blocks excluding block D (Recovery/PELP), blocks E, I, L and N

| Name | Race • | Sex | Date of Birth | Social Security No. (if available) |
|-------------|--------------|-------------|---------------|------------------------------------|
| <u> </u> | <u>White</u> | <u>Male</u> | <u> </u> | <u> </u> |

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For Indictments/Convictions only:

- ☐ Subject related to an LCN, Asian Organized Crime (AOC), Italian Organized Crime (IOC), Russian/Eastern European, Caribbean, or Nigerian Organized Crime Group - Complete FD-515a, Side 1 Blocks A-E mandatory, F-H as appropriate.
- ☐ Subject related to an OC/Drug organization, a VCMO Program National Gang Strategy target group, or a VCMO Program National Priority Initiative target group - Complete FD-515a, Side 1 Blocks A-C only.

x Additional information may be added by attaching another form or a plain sheet of paper for additional entries.

• See codes on reverse side.

✓ Requires that an explanation be attached and loaded into ISRAA for recovery over \$1 m and PELP over \$5 m, disruption, dismantlement, and drug seizures.

Serial No. of FD-515

92

58A-WF-C223359-E - 892

For Further Instructions See: MAOP, Part II, Sections 3-5 thru 3-5.3.
Revised 12-19-2006

PROPERTY CODES

01 Cash
02 Stocks, Bonds or Negot. Instruments
03 General Retail Merchandise
04 Vehicles
05 Heavy Machinery & Equipment
06 Aircraft
07 Jewelry
08 Vessels
09 Art, Antiques or Rare Collections
11 Real Property
20 All Other

SENTENCE TYPES

CP Capital Punishment
JS Jail Sentence
LP Life Parole
LS Life Sentence
NS No Sentence (Subject is a Fugitive, Insane, has died, is a Corporation or must pay fine only)
PB Probation
SJ Suspension of Jail Sentence
YC Youth Correction Act

PHELP CODES

22 Counterfeit
Stocks/Bonds/Currency/
Negotiable Instruments
23 Counterfeit/Pirated Sound
Recordings or Motion Pictures
24 Bank Theft Scheme Aborted
25 Ransom, Extortion or Bribe
Demand Aborted
26 Theft From or Fraud Against
Government Scheme Aborted
27 Commercial or Industrial
Theft Scheme Aborted
30 All Other

RACE CODES

A Asian/Pacific Islander
B Black
I Indian/American
U Unknown
W White
X Nonindividual

AGENCY CODES

AFOSI Air Force Office of Special Investigations
ACIS Army Criminal Investigative Service
BATF Bureau of Alcohol, Tobacco & Firearms
BIA Bureau of Indian Affairs
CBP Customs and Border Protection
DCAA Defense Contract Audit Agency
DCIS Defense Criminal Investigative Service
DEA Drug Enforcement Administration
DOC Department of Corrections
DOI Dept. of Interior
DHS Dept. of Homeland Security
EPA Environmental Protection Agency
FAA Federal Aviation Administration
FDA Food and Drug Administration
HHS Dept. of Health & Human Services
HUD Dept. of Housing & Urban Development
ICE Immigration and Customs Enforcement
IRS Internal Revenue Service
NASA Nat'l Aeronautics & Space Admin
NBIS Nat'l NARC Border Interdiction
NCIS Naval Criminal Investigative Service
RCMP Royal Canadian Mounted Police
SBA Small Business Administration
USCG U.S. Coast Guard
USDS U.S. Department of State
USMS U.S. Marshals Service
USPS U.S. Postal Service
USSS U.S. Secret Service
USTR U.S. Treasury
LOC Local
CITY City
COUN County
ST State
OTHR Other

JUDGMENT CODES

CJ Consent Judgment
CO Court Ordered Settlement
DF Default Judgment
DI Dismissal
JN Judgment Notwithstanding
MV Mixed Verdict
SJ Summary Judgment
VD Verdict for Defendant
VP Verdict for Plaintiff

JUDICIAL OUTCOME

AG Agreement
BR Barred/Removed
CC Civil Contempt
DC Disciplinary Charges
FI Fine
PI Preliminary Injunction
PR Temporary Restraining Order
PS Pre-filing Settlement
RN Resitution
SP Suspension
VR Voluntary Resignation
OT Other

SUBJECT PRIORITY

A Subject wanted for crimes of violence
(i.e., murder, manslaughter, forcible rape)
against another individual or convicted of
such a crime in the past five years.
B Subject wanted for crimes involving loss
or destruction of property valued in excess
of \$25,000 or convicted of such a crime
in the past five years.
C All other subjects.

DRUG CODES

COC Cocaine
HER Heroin
HSH Hashish
KAT Khat
LSD LSD
MAR Marijuana
MDM Methylenedioxymethamphetamine
MET Methamphetamine
MOR Morphine
OPM Opium
OTD Other drugs

DRUG WEIGHT CODES

GM Gram(s)
KG Kilogram(s)
L Liter(s)
ML Milliliter(s)
P Plant(s)
DU Dosage Unit(s)

SUBJECT DESCRIPTION CODES

ORGANIZED CRIME SUBJECTS

1F Boss
1G Underboss
1H Consigliere
1J Acting Boss
1K Capodecina
1L Soldier

KNOWN CRIMINALS

2A Top Ten or I.O. Fugitive
2B Top Thief
2C Top Con Man

FOREIGN NATIONALS

3A Legal Alien
3B Illegal Alien
3C Foreign Official W/out
Diplomatic Immunity
3D U.N. Employee W/out
Diplomatic Immunity
3E Foreign Student
3F All Others

TERRORISTS

4A Known Member of a
Terrorist Organization
4B Possible Terrorist Member
or Sympathizer

UNION MEMBERS

5D President
5E Vice-President
5F Treasurer
5G Secretary/Treasurer
5H Executive Board Member
5I Business Agent
5J Representative
5K Organizer
5L Business Manager
5M Financial Secretary
5N Recording Secretary
5P Office Manager
5Q Clerk
5R Shop Steward
5S Member
5T Trustee
5U Other

GOVERNMENT SUBJECTS (6F, 6G, 6H- Include Agency Code)

6A Presidential Appointee
6B U.S. Senator/Staff
6C U.S. Representative/Staff
6D Federal Judge/Magistrate
6E Federal Prosecutor
6F Federal Law Enforcement Officer
6G Federal Employee - GS 13 & Above
6H Federal Employee - GS 12 & Below
6J Governor
6K Lt. Governor
6L State Legislator
6M State Judge/Magistrate

Continuation of GOVERNMENT SUBJECTS

6N State Prosecutor
6P State Law Enforcement Officer
6Q State - All Others
6R Mayor
6S Local Legislator
6T Local Judge/Magistrate
6U Local Prosecutor
6V Local Law Enforcement Officer
6W Local-All Others
6X County Commissioner
6Y City Councilman

BANK EMPLOYEES

7A Bank Officer
7B Bank Employee

OTHERS

8A All Other Subjects
8B Company or Corporation

CHILD PREDATORS

9A Child Care provider
9B Clergy
9C Athletic Coach
9D Teacher/Aide
9E Law Enforcement Personnel
9F Counselor
9G Relative
9H Stranger
9I Other

03/28/2011

***** SUMMONS *****

SENSITIVE / UNCLASSIFIED

Case Number: 58C-WF-241033
Serial No.: 92

Stat Agent Name: [REDACTED]
Stat Agent SOC.: [REDACTED]

Report Date: 03/28/2011
Accom Date.: 03/24/2011

b6
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| Does Accomplishment Involve | Assisting Joint Agencies | Assisting Agents SOC | Subject Name |
|-----------------------------------|--------------------------|----------------------|---------------------|
| Drugs : N | | [REDACTED] | [REDACTED] |
| A Fugitive. : N | | | |
| Bankruptcy Fraud. : N | | | |
| Computer Fraud/Abuse. : N | | | RA Squad Task Force |
| Corruption of Public Officials: N | | | ----- |
| Money Laundering. : N | | | NVRA CR15 |

Sub. Invest. Asst by Other FOs:

1 = Used, but did not help
2 = Helped, Minimally
3 = Helped, Substantially
4 = Absolutely Essential

Investigative Assistance or Technique Used

| | | | |
|---------------|---------------|----------------|----------------|
| FINAN ANALYST | LAB FIELD SUP | UCO - NAT BACK | VICT-WITN COOR |
| AIRCRAFT ASST | PEN REGISTERS | NCAVC/VI-CAP | IO WANTED FLYR |
| COMPUTER ASST | PHOTO COVERGE | CRIM/NS INTEL | SARS |
| CONSEN MONITR | POLYGRAPH | CRIS NEG-FED | CART |
| ELSUR/FISC | SRCH WAR EXEC | CRIS NEG-LOC | ASSET FORF PRO |
| ELSUR/III | SHOW MONEY | ERT ASST | FORF SUPPORT P |
| ENG FIELD SUP | SOG ASST | BUTTE OSC | TFOS/CTD |
| ENG TAPE EXAM | SWAT TEAM | SAV OSC | CXS/CTD |
| LEGATS ASST. | TECH AG/EQUIP | POC SC | INFRAGARD/CYD |
| EVIDNCE PURCH | TEL TOLL RECS | FT. MON-NRCSC | OFC/CID |
| INFORMANT/CW | UCO-GROUP I | FOR LANG ASST | PPP |
| LAB DIV EXAMS | UCO-GROUP II | NON FBI LAB EX | FUSION CENTERS |

Federal or Local Summons (F/L). .: F

Accomplishment Narrative

SENSITIVE / UNCLASSIFIED

[REDACTED]

From:
Sent:
To:
Subject:

[REDACTED]
Wednesday, March 23, 2011 3:51 PM

[REDACTED] (WFO)

FW: 58C-WF-241033 (ENSIGN INVESTIGATION): RELEASE OF [REDACTED] FD-302
TO SENATE ETHICS COMMITTEE

b6
b7C

[REDACTED]

[REDACTED]

b5

[REDACTED] Special Agent

Federal Bureau of Investigation

Washington Field Office / Northern Virginia Resident Agency

Direct: [REDACTED] Cell: [REDACTED] Eml: [REDACTED]@ic.fbi.gov

From: [REDACTED]

Sent: Wednesday, March 23, 2011 2:45 PM

To: [REDACTED] (CRM)

Cc: [REDACTED] (WFO); [REDACTED]

Subject: 58C-WF-241033 (ENSIGN INVESTIGATION): RELEASE OF [REDACTED] FD-302 TO SENATE ETHICS
COMMITTEE

b6
b7C

[REDACTED]

[REDACTED]

b5
b6
b7C

[redacted] is cc'd on this E-mail [redacted] is willing to discuss this matter with you if necessary. His telephone number is [redacted]

Thanks ,

b6
b7C

[redacted] Special Agent
Federal Bureau of Investigation
Washington Field Office / Northern Virginia Resident Agency
9325 Discovery Boulevard, Manassas, Virginia 20109-3992
Tel: [redacted]
Fax: [redacted]
Cell: [redacted]
Eml: [redacted] [ic.fbi.gov](mailto:[redacted]@ic.fbi.gov)

UNCLASSIFIED

UNCLASSIFIED

FD-999

2.1

Revised

03-03-2011

FEDERAL BUREAU OF INVESTIGATION

ASSISTANCE/DISSEMINATION/LIAISON PROVIDED TO OTHER AGENCIES

Type of Contact:

Date:

Record of Dissemination of Information to Other Agencies

03/25/2011

Dissemination To:

Domestic Agency

Check LEC: ☐ Office of Law Enforcement Coordination

or Select a Division/Field Office (Show Legats? ☐):

Select the Responsible Division/Field Office:

Washington Field

Program:

Public Corruption

DOMESTIC AGENCY RECEIVING DISSEMINATION

Agency Type:

Federal Agency

Contact Name: (Last, First, Middle)

Title/Rank:

Agency Name:

U.S. Senate Select Committee on Ethics

Agency Address:

U.S. Senate 220 Hart Building, Washington, D.C.

Work Phone:

Cell Phone:

E-mail Address:

@ethics.senate.gov

Type of Contact:

Date of Interaction:

☐ Telephonic

☒ Email

☐ Meeting

☐ Conference

☐ Note

☐ Fax

03/23/2011

DETAILS OF DISSEMINATION

Dissemination Specifics:

Examples: "Prosecution of a local case.", "Requested by Sheriff's Office.", "Relates to another agency matter."

DOJ required release of FBI document to the U.S Senate Select Committee on Ethics ("Committee") to support DOJ's official request for the Committee to delay a scheduled witness interview with

Date of Dissemination:

03/23/2011

Ongoing Dissemination / One Time Dissemination:

One-time Date: **03/23/2011**

☐ Ongoing

☒ One-time

☐ Oral

☒ Written

Short Description of Information Disseminated:

For example: Interview 302s, Case Files, etc.

FD-302 documenting interview with **circa**

List All Associated Case Files. If the dissemination is ongoing and information is disseminated from case files other than these, a new FD-999 should be completed.

UNCLASSIFIED

This document should not be disseminated without FBI approval

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b6
b7C
b7D

If information was disseminated from more than one serial in the same case file, all serial numbers may be listed in one Associated Serial Number field. (i.e. "1, 5, 11, 35") If dissemination is ongoing, list all serials which have been disseminated as of the date of this report and end the entry with "and future serials".

Associated Case ID:
58C-WF-241033-302

Associated Serial Number:
2

ADMINISTRATIVE

FBI Employee Reporting the Dissemination

Name:

(WF) (FBI)

(Enter the Last Name, First Name and click the **Find** button.)

Email:

@fbi.sgov.gov

Disseminated By:

☒ Same as FBI Employee Reporting the Dissemination -

By /DOS Trial Attorney

Name:

(WF) (FBI)

(Enter the Last Name, First Name and click the **Find** button.)

Email:

@fbi.sgov.gov

Squad/Unit/RA:

WFO/NVRA/SQUAD CR-15

Classification:

☒ Unclassified ☐ Confidential ☐ Secret

Dissemination controls:

☐ NOFORN ☐ ORCON ☐ FOUO ☐ PROPIN ☐ LES ☐ RELIDO ☐ FISA

☐ FGI ☐ REL TO

☐ Edit Classification Text

UNCLASSIFIED

Approved By:

Name:

(WF) (FBI)

(Enter the Last Name, First Name and click the **Find** button.)

Email:

@fbi.sgov.gov

Signature:

Date:

3/28/11

ACS UPLOAD INFORMATION

Author:

ATTACHMENTS

Upload to ACS

☒

Description:

Attachment:

Case ID: Serial Num:

UNCLASSIFIED

This document should not be disseminated without FBI approval

[redacted]
From:

Sent:

[redacted]
Wednesday, March 23, 2011 6:23 PM

To:

[redacted]
EWI

Subject:

Attachments:

[redacted]

b6 per OGA/FBI
b7C

[redacted] fyi.

[redacted]
U.S. Department of Justice, Public Integrity Section
1400 New York Avenue, N.W., 12th Floor
Washington, D.C. 20005
[redacted] (office)
(202) 514-3003 (fax)

From:

Sent: Wednesday, March 23, 2011 6:23 PM

To:

Subject:

[redacted]
U.S. Department of Justice, Public Integrity Section
1400 New York Avenue, N.W., 12th Floor
Washington, D.C. 20005
[redacted] (office)
(202) 514-3003 (fax)



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

March 23, 2011

By Electronic Mail

John C. Sassaman
Chief Counsel and Staff Director
Select Committee on Ethics
United States Senate
220 Hart Senate Office Building
Washington, D.C. 20510

Dear Mr. Sassaman:

Pursuant to the discussions and understandings from our phone call today, enclosed is an [redacted] based on an interview conducted on December 17, 2009. We are providing this 302 solely for purposes of the Senate Ethics Committee's investigation into Senator Ensign.

b6 per OGA
b7C

If you have any questions, please feel free to contact me at [redacted]

Very truly yours,



Public Integrity Section

Enclosure

On 03/28/2011, [redacted] United States Department of Justice, Public Integrity Section, provided to SA [redacted] FBI, documents relating to ALLEGIANTE AIR. The documents were sent on behalf of [redacted] via United States mail on 12/09/2010 from Robert S. Rivkin, General Counsel, United States Department of Transportation, Office of the Secretary of Transportation.

A copy of the aforementioned documents have been placed in a 1A envelope for placement into the substantive case file.

①

3/29/11



58C-WF-241033 97
[redacted]

1

On 03/28/2011, [redacted] United States Department of Justice, Public Integrity Section, provided to SA [redacted] FBI, documents relating to ALLEGiant AIR. The documents were sent on behalf of [redacted] via hand delivery on 12/08/2010 from Robert S. Rivkin, General Counsel, United States Department of Transportation, Office of the Secretary of Transportation.

[redacted]
3/29/11
[redacted]

A copy of the aforementioned documents have been placed in a 1A envelope for placement into the substantive case file.

[redacted]

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/05/2011

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

b6
b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 99(Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]

(X)
[REDACTED]

b6
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CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH

[REDACTED]

Synopsis: [REDACTED]

[REDACTED]

Details: [REDACTED]

[REDACTED]

b6
b7C

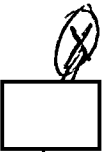
58C-WF-241033 -101

[REDACTED]
06/01/2011

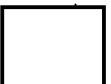
1

On Tuesday, May 31, 2011, at approximately 11:45 a.m.,
Special Agent [REDACTED] received items 1A1, 1A2, and 1A4
through 1A135 from Department of Justice Paralegal Specialist
[REDACTED] while located at the Department of Justice Bond
Building, 1400 New York Avenue, Washington, D.C., 20005. Items
1B1 and 1B10 were also received from [REDACTED] and were placed back
into evidence at the Northern Virginia Resident Agency (NVRA) on
this same date. Photocopies of item 1A3 were returned as well;
however, the original 1A3 was not included.

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[REDACTED] 11521.ins



FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/06/2011

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 (Pending) 102

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: Misplacement/Loss/Possible Inadvertent Destruction of original Evidence Item 1A3 by U.S. Department of Justice/Criminal Division/Public Integrity Section.

[REDACTED]
Details: [REDACTED]

[REDACTED]

On 03/29/2011, Washington Field Division provided Trial Attorney [REDACTED] U.S. Department of Justice/Criminal Division/Public Integrity Section (DOJ/PIN), with temporary custody of all original 1A evidence [e.g. Evidence Items 1A1 through 1A132] collected during the course of captioned investigation. This was done to facilitate the electronic scanning of collected documentary evidence for Discovery purposes. A corresponding "FBI Receipt of Property Form" (FD-597) was prepared at the time Washington Field Division released the aforementioned original evidence to DOJ/PIN.

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b7E

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b7C

UNCLASSIFIED

To: Washington Field From: Washington Field
Re: 58C-WF-241033, 06/06/2011

On 05/31/2011, Trial Attorney [] telephonically advised SA [] Washington Field Division/Squad CR-15, that all original 1A evidence in DOJ/PIN's custody can be returned to Washington Field Division. **However, original Evidence Item 1A3 has been inadvertently lost/destroyed by DOJ/PIN paralegals assigned to this investigation.**

Trial Attorney [] further explained that DOJ/PIN personnel have conducted a comprehensive search for Evidence Item 1A3, but have been unable to locate it. Trial Attorney [] will immediately notify Washington Field Division should Evidence Item 1A3 be located at a later date.

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Trial Attorney [] maintained having a scanned photocopy of Evidence Item 1A3 in her possession. This photocopy will be used to fulfill required Discovery obligations. Trial Attorney [] will also provide Washington Field Division with a duplicate copy of the photocopied non-original evidence to serve as Evidence Item 1A3 until otherwise necessary.

Evidence Item 1A3 is identified as original notes of FBI interview with []
[]

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b7D

♦♦

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/07/2011

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

b6
b7C

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 (Pending) 103

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH [REDACTED]

Synopsis: U.S. Senate Select Committee on Ethics' referral to
U.S. Department of Justice for criminal investigation into
alleged actions of former U.S. Senator JOHN E. ENSIGN.

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b7E

Referral/Consult

1158Aec

UNCLASSIFIED

To: Washington Field From: Washington Field
Re: 58C-WF-241033, 06/07/2011

Referral/Consult

It should be noted that ENSIGN resigned from the U.S. Senate effective 05/03/2011. ENSIGN's resignation occurred one (1) day prior to his scheduled sworn deposition before the SSCE.

ENSIGN's resignation divested the SSCE from having jurisdiction in imposing disciplinary action on ENSIGN.

♦♦

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
Civil Action# 12-cv-1491

Total Deleted Page(s) = 74

Page 80 ~ Referral/Consult;
Page 81 ~ Referral/Consult;
Page 82 ~ Referral/Consult;
Page 106 ~ Duplicate - 58C-WF-241033-302 Serial 2;
Page 107 ~ Duplicate - 58C-WF-241033-302 Serial 2;
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Page 181 ~ b6; b7C;
Page 182 ~ b6; b7C;

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/29/2011

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 104 (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: Receipt of *Unredacted* version of the U.S. Senate Select Committee on Ethics' "Report of The Preliminary Inquiry Into the Matter of Senator John E. Ensign."

[REDACTED]
Reference: 58C-WF-241033 Serial 103

Referral/Consult

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b7C

b6
b7C
b7E

b7E

Ed1180A.ec

UNCLASSIFIED

To: Washington Field From: Washington Field
Re: 58C-WF-241033, 06/29/2011

Referral/Consult

♦♦

**REPORT OF
THE PRELIMINARY INQUIRY
INTO THE MATTER OF
SENATOR JOHN E. ENSIGN**

**SUBMITTED TO THE UNITED STATES
SENATE SELECT COMMITTEE ON ETHICS
BY**

CAROL ELDER BRUCE, SPECIAL COUNSEL

MAY 10, 2011

**Contains
References to
Tainted Materials**

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KEY INDIVIDUALS & PRIMARY AFFILIATIONS

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| Brooke Allmon | Director of Nevada Policy for Senator Ensign |
| Dick Bouts | Department of Interior |
| Brian Chatwin | Legislative Assistant for Senator Ensign |
| Senator Tom Coburn | United States Senator (R – Oklahoma) |
| Tim Coe | Fellowship Foundation |
| Senator John Ensign | United States Senator (R – Nevada) |
| Darlene Ensign | Senator Ensign's wife |
| Michael Ensign | Senator Ensign's father |
| Sharon Ensign | Senator Ensign's mother |
| Rebecca Fisher | Director of Communications for Senator Ensign |
| Maury Gallagher | Chief Executive Officer, Allegiant Air |
| Chris Gober | Outside Counsel for Senator Ensign at Fish & Richardson P.C. |
| Simon Gros | Assistant Secretary for Governmental Affairs, U.S. Department of Transportation |
| Bruce Hampton | Treasurer for The Ensign Family Trust (no relation to Doug or Cindy Hampton) |
| Cindy Hampton | Campaign treasurer for Ensign for Senate and BattleBorn PAC; wife of Douglas Hampton |
| Douglas Hampton | Friend of Senator Ensign's; Administrative Assistant to Senator Ensign; husband of Cindy Hampton |
| Ponder Harrison | Vice President, Allegiant Air, Nevada |
| Tinna Jackson | Deputy Chief of Staff for Senator Ensign |
| Yorick Jurani | Information Systems Manager for Senator Ensign |
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| Lindsey Slanker | November Inc. |
| Mike Slanker | November Inc. |
| Paul Steelman | Steelman Partners |
| Marty Sherman | Fellowship Foundation |
| Pam Thiessen | Legislative Director for Senator Ensign |

GLOSSARY

| | |
|-----------------------|---|
| BattleBorn PAC | Senator Ensign's Political Action Committee |
| CAA | Congressional Accountability Act |
| CACI | E-discovery vendor employed by SSCE |
| CODEL | Congressional Delegation trip |
| Committee | United States Senate Select Committee on Ethics |
| CREW | Citizens for Responsibility and Ethics in Washington |
| DOT | U.S. Department of Transportation |
| EEOC | Equal Employment Opportunity Commission |
| EFS | "Ensign For Senate" - Senator Ensign's Campaign Committee |
| EIS | Environmental Impact Statement |
| FAA | Federal Aviation Administration |
| FEC | Federal Election Commission |
| FECA | Federal Election Campaign Act of 1971 |
| Manual | Senate Ethics Manual |
| NRSC | National Republican Senatorial Committee |
| Report | Report of Special Counsel Carol Elder Bruce |
| RPC | Republican Policy Committee |
| SAA | U.S. Senate Sergeant at Arms and Doorkeeper |
| SSCE | Senate Select Committee on Ethics |

I. INTRODUCTION AND SUMMARY OF FINDINGS

A. Introduction

The United States Senate Select Committee on Ethics ("SSCE" or "Committee"), assisted by Special Counsel, conducted a Preliminary Inquiry into certain conduct of Senator John E. Ensign.¹ The scope of the Preliminary Inquiry included an examination into allegations that Senator Ensign violated Senate rules and federal law, including provisions of the criminal code, and/or engaged in conduct that reflecting discredit upon the United States Senate regarding the termination of Doug Hampton's Senate employment, Mr. Hampton's post-employment contacts with the Senate, and payments made to the Hamptons, and any other matters as the Committee may direct.

On April 21, 2011, as the Preliminary Inquiry neared its conclusion, Senator Ensign announced he would resign as the 24th Senator from the State of Nevada. Senator Ensign's resignation was effective May 3, 2011, the day before his sworn deposition was scheduled to begin.² Although Senator Ensign's resignation divests the Committee of jurisdiction to impose discipline on him as of its effective date, Special Counsel, as required by the governing Resolution and Rules of the Senate, tenders this Report to the Committee for its consideration in the exercise of its continuing authority, obligations, and discretion under the Resolution and Rules.

The Committee's investigation began after it received a complaint on June 24, 2009, from Citizens for Responsibility and Ethics in Washington ("CREW"). CREW supplemented that complaint on October 6, 2009. These filings presented allegations of sexual harassment/employment discrimination, post-employment ban violations, and issues related to payments to Douglas and Cynthia Hampton, Senator Ensign's former Administrative Assistant and campaign treasurer.

Based on these serious allegations and other information available to it, the Committee undertook an extensive Preliminary Inquiry as provided by Rule 3 of its Supplementary Procedural Rules. Article I, section 5, clause 2 of the Constitution of the United States of America provides that "[e]ach House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." Under the Committee's authorizing resolution, Senate Resolution 338, 88th Cong. 2d Sess. (1964) ("S. Res. 338"), the Committee is empowered to investigate not only violations of law, the Senate Code of Official Conduct, and the rules and regulations of the Senate, but also "improper conduct which may reflect upon the Senate." While Senators are expected to comply with all laws, Senate Rules and Standards of Conduct, the Senate and the Committee have made clear that a Senator's obligations of ethical behavior go beyond this:

¹ Special Counsel Carol Elder Bruce was appointed on January 31, 2011.

² Since the very beginning of the investigation, Committee staff has been in communication with Senator Ensign through his counsel and offered him the opportunity to provide any information or legal arguments he wanted the Committee to consider, and he has availed himself of this opportunity. Special Counsel continued this policy after her appointment.

Certain conduct has been deemed by the Senate in prior cases to be unethical and improper even though such conduct may not necessarily have violated any written law, or Senate rule or regulation. Such conduct has been characterized as "improper conduct which may reflect upon the Senate," and has provided the basis for the Senate's most serious disciplinary cases in modern times.³

During the course of the 22 month investigation, Committee staff, later joined by Special Counsel, conducted 72 witness interviews and depositions, including members of Senator Ensign's current and former staff and numerous third parties. The staffs for the Committee and Special Counsel also reviewed over a half million documents received from numerous sources, including Senator Ensign and his staff. Included in the materials reviewed were hundreds of documents previously withheld or not disclosed that were produced after the Special Counsel was appointed and challenged the basis for the non-disclosure.

Special Counsel was careful not to seek intimate details of the extramarital affair referenced in the initial complaint. Whether a person is unfaithful to his or her spouse is generally the couple's own business to deal with, perhaps, in private communications with wronged spouses, marriage counselors, and others, and to surface the infidelity only if and when there is some public complaint or settlement made (such as in divorce proceedings or private resolutions). Reconciliation or resolution in private can protect the families involved and serve the greater good. This is no less true if one of the individuals is a public official. This case, however, involved two individuals whose employment and financial well being were dependent upon the Senator who employed them. This situation placed these individuals in a particularly vulnerable situation.

Further, although concealment is part of the anatomy of an affair, the concealment conduct in this case by Senator Ensign exceeded the normal acts of discretion and created a web of deceit that entangled and compromised numerous people, including a loyal Chief of Staff, was an abuse of the Senator's power, and raised serious issues of violations within the Committee's jurisdiction. Therefore, the details of the affair itself and the concealment activities are presented only to the extent relevant to establish the basis and context of the actions that led to the alleged violations.

As will be developed below, it is Special Counsel's determination that substantial credible evidence exists that gives substantial cause to conclude that Senator Ensign engaged in violations of law and of Senate Rules within the Committee's jurisdiction under S. Res. 338, as amended, including improper conduct which reflects upon the Senate under Section 2(a)(1) of S. Res. 338. Had Senator Ensign not resigned the Special Counsel would have recommended that the Committee initiate an adjudicatory review for the purpose of considering the appropriateness of disciplinary action against the Senator. The Special Counsel is confident that the evidence that would have been presented in an adjudicatory hearing would have been substantial and sufficient to warrant the consideration of the sanction of expulsion. Special Counsel notes,

³ Senate Ethics Manual ("Manual"), Appendix E, at 432.

though, that Senator Ensign, by resigning before the Special Counsel could question him under oath in a deposition about the facts, did not have the opportunity to challenge factual assertions and evidence, the Special Counsel's interpretation of the facts, or the strength of the case against him.

B. Summary of Findings

Based on the record in this matter, the Special Counsel respectfully submits that there is substantial credible evidence that provides substantial cause to conclude that Senator Ensign violated Senate Rules and federal civil and criminal laws, and engaged in improper conduct reflecting upon the Senate, thus betraying the public trust and bringing discredit to the Senate. The following summarizes the Special Counsel's findings.

• **There Is Substantial Credible Evidence That Senator Ensign Conspired to Violate, and Aided and Abetted Mr. Hampton's Violations of The Post Employment Contact Ban, 18 U.S.C. § 207.**

- Senator Ensign facilitated Mr. Hampton's unlawful post-employment lobbying by pressuring contributors and constituents to hire Mr. Hampton even though he had no public policy experience or value as a lobbyist other than access to the Senator and his office. For example, when a prominent Nevada constituent declined to hire Mr. Hampton, Senator Ensign instructed John Lopez, his Chief of Staff, to "jack him up to high heaven" and inform the constituent that he was "cut off" from Senator Ensign and could not contact him any longer.
- Senator Ensign agreed with Mr. Hampton and Mr. Lopez, to have Mr. Lopez be the point person for Mr. Hampton's contacts with the Senator's office in order to provide Mr. Hampton with the necessary assistance for his lobbying efforts during his post-employment period, and not for the purpose of making certain that Mr. Hampton complied with lobbying restrictions.
- Contemporaneous email communications reveal that Senator Ensign agreed to and encouraged the improper contacts between Mr. Hampton and Mr. Lopez. Additionally, according to Mr. Lopez, Senator Ensign wanted him to assist Mr. Hampton, and wanted it "out of sight, out of mind," so that Mr. Lopez could "take the heat on his [the Senator's] behalf."
- Mr. Hampton improperly contacted Senator Ensign's office regarding at least twelve different client matters, and initiated at least thirty improper contacts to Senator Ensign's office and various other Senate offices during his one-year post-employment ban period.
- Senator Ensign communicated with Mr. Hampton and took action on behalf of his clients, including the following matters, among others, which are explained in detail in this Report: (1) a Department of Transportation

("DOT") enforcement action that was successfully resolved with a small fine; (2) a draft environmental impact study; and (3) facilitating high-level meetings between one of Mr. Hampton's clients and the DOT Secretary, as well as other Senators.

- Before and after Mr. Hampton's termination and during the time period when the Senator was helping Mr. Hampton get clients, Senator Ensign instituted office policies that had the effect of making Mr. Hampton's contacts harder to detect, including a shredding policy, discouraging use of official Senate email accounts in favor of Gmail, and directing that all inquiries of the Committee go through Mr. Lopez, the person he directed to interact with Mr. Hampton.

• **There Is Substantial Credible Evidence That Senator Ensign and His Parents Made False or Misleading Statements to the Federal Election Commission Regarding the \$96,000 Payment to the Hamptons.**

- A \$96,000 payment to Mr. Hampton, Ms. Hampton, and two of their three children from the Ensign Family Trust Fund, made at the time the Hamptons were terminated from the Senator's employ, constituted a severance payment, and Senator Ensign's affidavit to the Federal Election Commission ("FEC") that the payment was not severance is false.
- Senator Ensign referred to the payment as severance on multiple occasions, including: (1) during an emergency staff meeting on June 15, 2009, when he disclosed his affair with Ms. Hampton to his Senate office staff; (2) in multiple drafts of a public statement in which the Senator publicly disclosed an affair with Ms. Hampton; (3) in credible testimony from at least four witnesses, one of whom stated that Senator Ensign said "I'm going to give him as much severance as possible"; and (4) in his own personal journal entries, written in June 2009, over a year after the payment was made, describing his intent to "help them transition into their new life."
- Evidence revealed that the term "severance" was removed from Senator Ensign's final June 2009 public statement not because Senator Ensign no longer believed the payment to be severance, but because he received legal counsel informing him that calling it severance could expose him to a host of criminal charges.⁴
- Senator Ensign's parents' affidavits to the FEC are also misleading and potentially false. The affidavits stated that the \$96,000 payment was part of their pattern of giving to the Hamptons, and cited payment of an all-

⁴ Special Counsel reviewed the document containing this legal advice, which had previously been withheld as privileged, and determined that the document was not privileged because it was addressed to a third party, not to Senator Ensign. The Senator has abandoned his prior claim of privilege as to this document.

expenses paid trip to Hawaii in 2006 for the Hamptons as support for this pattern of giving. The FEC credited and relied upon these affidavits in dismissing a complaint against Senator Ensign and his campaign, despite a recommendation by FEC staff counsel that an investigation be opened.

- There was no evidence of any "pattern of giving" from Michael or Sharon Ensign to the Hamptons. The senior Ensigns and Mr. Hampton had a contentious relationship not conducive to large monetary gifts and a "pattern of giving," and had never directly given the Hamptons a gift before. Additionally, the senior Ensigns had never given a single gift from the Ensign Family Trust Fund of the size of the Hampton payment to any non-family member, and also had no pattern or practice of giving significant gifts to any friends of their children.

• **There is Substantial Credible Evidence That a Portion of the \$96,000 Payment Constituted an Unlawful and Unreported Campaign Contribution and Violated Federal Law and a Senate Rule Prohibiting Unofficial Office Accounts.**

- The part of the payment that was severance to Ms. Hampton constitutes an excessive and illegal campaign contribution pursuant to the Federal Election Campaign Act of 1971 ("FECA") because it exceeded the \$2,000 limit for authorized political committees and the \$5,000 limit for other political committees. The payment, as well as the failure to report the payment, are violations of federal civil and criminal law.
- The part of the payment that was severance to Mr. Hampton would also constitute an improper unofficial office account as it was a payment from a private person, in this case the Ensign Family Trust Fund, to defray official expenses.

• **There Is Substantial Credible Evidence That Senator Ensign Permitted Spoliation of Documents and Engaged in Potential Obstruction of Justice Violations.**

- Senator Ensign deleted relevant documents and files after he knew they were likely to be subject to a legal claim and before and after formal notices to retain all documents relevant to the Preliminary Inquiry were issued.
- Senator Ensign should reasonably have known no later than June 15, 2009, that this evidence could be relevant to anticipated legal proceedings, and has stated through counsel that he did in fact anticipate legal proceedings as to the matters at issue in the Preliminary Inquiry no later than that date.
- Senator Ensign's Gmail account, which the Senator generally used instead of his official Senate email account and was thus not backed up on the

Senate server, was deleted and replaced on October 1, 2009.

Consequently, this important account was not available to be reviewed by the Committee's information technology vendor.

- Additionally, the evidence establishes that Senator Ensign deleted at least 5 relevant documents after an October 21, 2009 document retention notice issued by the Committee, including a document that directly contradicted the Senator's assertion that the payment to the Hamptons was not severance. There is no evidence that the Senator took any steps at any time to alter his email deletion practices or to ensure that his office was retaining his emails pertinent to the matters at issue in the Preliminary Inquiry.

• **There Is Substantial Credible Evidence That Senator Ensign Discriminated on the Basis of Sex and Engaged in Improper Conduct Reflecting Upon the Senate by Terminating the Hamptons' Employment Because of the Affair.**

- Senator Ensign engaged in and continued an extramarital affair with Ms. Hampton, an employee of the Senator's campaign committee and his leadership PAC, even though it was unwelcome to her, and then determined that the affair made it impossible for either of the Hamptons to continue working for him.
- According to Ms. Hampton, the affair caused her considerable emotional distress, she repeatedly sought to end it, and she repeatedly expressed concern to Senator Ensign about losing her job. Senator Ensign nonetheless persisted in seeking to continue the affair, initiating constant and even relentless contacts after promising to end the affair multiple times.
- Senator Ensign had enormous power over the Hampton family at the time of the affair. He controlled the sole sources of income for both Mr. and Ms. Hampton, provided tuition and other financial assistance to the family, and had maintained a very close personal relationship with the family for years.

• **There Is Substantial Credible Evidence That Senator Ensign Violated His Own Senate Office Policies.**

- Senator Ensign violated his own Senate office policies, including, among others, policies regarding fraternization and sexual harassment based on his affair with Ms. Hampton.
- The Senator engaged in conduct that would have been the basis for termination of one of his own employees pursuant to the Senator's written office policies. It is reasonable to conclude that a violation of the Senator's own office policies serious enough to warrant termination also constitutes improper conduct reflecting upon the Senate.

C. The Special Counsel Recommends Referrals to the Department of Justice and the Federal Election Commission

The Special Counsel respectfully submits that the Committee should refer under Section 2(a)(6) of S. Res. 338 and Rule 7(a) of the Committee's Supplementary Procedural Rules of the matters outlined herein to the Department of Justice for further investigation and consideration of whether criminal prosecution of Senator Ensign is warranted for aiding and abetting a violation of 18 U.S.C. § 207, or conspiring to violate that statute, for making false statements, for obstruction of justice, and for violations of federal campaign laws. The Special Counsel further submits that the Committee should also refer of this matter to the FEC to review its prior findings regarding Senator Ensign and his campaign and determine whether further investigation of potential violations of federal campaign laws is appropriate.

II. FINDINGS OF FACT

A. Factual Background

John Eric Ensign was born on March 25, 1958, in Roseville, California. He was raised in Las Vegas, Nevada by his mother, Sharon, and his stepfather, Michael Ensign, along with two other siblings. Senator Ensign was formally adopted by Michael Ensign when he was nine years old. Michael Ensign has long been involved with the casino industry in Nevada and is the former chairman and CEO of Mandalay Resort Group.

Senator Ensign holds a Bachelor's degree from Oregon State University, and received his degree as a Doctor of Veterinary Medicine from Colorado State University in 1985. Senator Ensign subsequently practiced veterinary medicine, and opened the first 24-hour animal hospital in Las Vegas.

Senator Ensign married Darlene (Sciaretta) Ensign in 1987 and they have three children, a 19 year old son, a 16 year old daughter, and a 14 year old son. Darlene grew up in Anaheim, California and attended Canyon High School in Anaheim Hills, California, with Cynthia (Barnes) Hampton. Cindy and Darlene continued their friendship after graduating from high school in 1981. Ms. Hampton met Doug Hampton in 1985 at the restaurant where she worked. She was 22 years old at the time. Senator Ensign became acquainted with Cindy and Doug Hampton sometime in 1986 through his wife when both couples were still dating. The Ensigs were married at a Catholic church in Boulder City, Nevada, on November 7, 1987, and the reception was at a hotel on the Las Vegas strip. Ms. Hampton was a bridesmaid at the Ensign wedding. The Hamptons were married on January 4, 1988. The Hamptons had a son in 1990, and then had twins, a boy and a girl, in 1992. The oldest Ensign child is just days younger than the Hamptons' twins, and the children became close as the families spent more time together.

Doug Hampton and Senator Ensign became good friends after their respective marriages. Darlene Ensign's parents lived in Southern California, and John and Darlene would come to visit them, during which visits, Mr. Hampton and Mr. Ensign golfed and played basketball, and became very close friends. The Ensigs and Hamptons vacationed together in the summers at the Ensigs' lake house just outside of Barstow, California. Mr. Ensign and Mr. Hampton would also travel to golf tournaments held by the Jonathan Coe Foundation, a charity started by Tim

Coe, Senator Ensign's long-standing spiritual advisor. Senator Ensign and Mr. Hampton also started a Christian-men's golf tournament in Las Vegas, and held the event at least twice.

In 1994, Senator Ensign was elected to a seat in the U.S. House of Representatives, where he served until 1998. He was the Representative for Nevada's 1st District, which covers Las Vegas and portions of unincorporated Clark County. Mr. Lopez, who would later serve as Senator Ensign's Chief of Staff during the critical time periods of this investigation, began working for then Congressman Ensign in 1995, first as a legislative assistant and later as a senior legislative assistant. In 1998, Senator Ensign ran an unsuccessful campaign for Senate against incumbent Senator Harry Reid, losing by 428 votes after a ballot recount. Mr. Lopez served as Senator Ensign's Northern Nevada Coordinator in that campaign.

Two years later, the other Senate seat in Nevada opened due to Senator Bryan's retirement. Senator Ensign ran for the seat and was elected on November 7, 2000. He started his first term in the U.S. Senate in January 2001.

While in Washington, D.C., Senator Ensign resided at a townhouse known as the "C Street Center." Tim Coe was one of the spiritual leaders of the International Foundation, the organization that counseled Members of Congress and others at the C Street Center and organized the annual National Prayer Breakfast. Tim Coe first met Senator Ensign in 1994 and became very close with him, counseling him on a weekly basis for various personal and spiritual issues.

Since early 2006, Senator Ensign has held positions on various Senate Committees including: Armed Services; Budget; Commerce, Science & Transportation; Finance; Health, Education, Labor & Pensions; Homeland Security; Rules & Administration; and Veterans Affairs.⁵ Notably, during the time period relevant to this investigation (i.e., between 2007 and 2009), Senator Ensign served on the Aviation Operations, Safety, and Security and Science, Technology, and Innovation Subcommittees of the Committee for Commerce, Science and Transportation. As of April 1, 2011, he was the ranking member of the Communications, Technology & The Internet Subcommittee of the Commerce, Science and Transportation Committee; Healthcare Subcommittee of the Finance Committee; and the Ad Hoc Subcommittee on Disaster Recovery & Intergovernmental Affairs of the Homeland Security Committee.

Senator Ensign was elected Chairman of the National Republican Senatorial Committee ("NRSC") in November 2006, making him the fourth highest leader in the Republican Party at the time. Senator Ensign's Chairmanship increased his national profile. Senator Ensign also visited Iowa in May 2009, creating speculation that he was considering a Presidential election campaign.

Senator Ensign hired Michael and Lindsey Slanker to work as the NRSC's Political Director and Finance Director, respectively. Mr. Slanker had previously managed Senator Ensign's 1998 and 2000 election campaigns. Around the time that the Slankers worked for the

⁵ See United States Senate, Committees, available at http://www.senate.gov/pagelayout/reference/three_column_table/committee_assignments.htm.

NRSC, the Ensigns and the Slankers became family friends, and ultimately the Slankers and Hamptons became friends as well.

The Hamptons moved to Las Vegas in 2004. According to Ms. Hampton, it "was their [Doug and Senator Ensign's] dream to always live by each other." Further, per Ms. Hampton, Senator Ensign and Mr. Hampton sought to facilitate a relationship between their families to "walk through life together," a term used by the International Foundation spiritual advisors to Senator Ensign.

Before the Hamptons finished moving to Las Vegas, Senator Ensign contacted Senator Reid, who assisted in getting Doug Hampton a job at Nevada Power (later NV Energy). Senator Ensign also told Ms. Hampton, in her words, that "he could probably find me a spot on the campaign." Mr. Hampton moved to Las Vegas before the rest of his family, and he lived with the Ensigns while awaiting the sale of his home in California and for his family to move to Las Vegas. The home the Hamptons purchased in Summerlin, Nevada was in the same gated community as the Ensign home, and was less than a three-minute walk to the Ensign home.

Mr. Hampton worked in NV Energy's conservation department. Mr. Hampton was responsible for implementation of renewable energy programs. Ms. Hampton recalled that Mr. Hampton and Senator Ensign traveled to play golf with Walt Higgins, Nevada Power's President. Ms. Hampton also recalled that after Doug began working for Nevada Power, the company paid for Doug's golf membership at an exclusive, expensive TPC course in Nevada. According to Ms. Hampton, "they [NV Energy] liked that he had a relationship with the Senator. They gave Doug a golf membership to TPC by our home. And he was able to go and golf with the Senator whenever the Senator wanted to."

Records from the TPC golf course indicate that NV Energy (then Sierra Pacific Resources) paid a \$15,000 initiation fee for a corporate designee membership for Mr. Hampton, and paid for Mr. Hampton's business expenses at the course. Mr. Hampton was a member of the club from May 2, 2005 until December 28, 2006. Senator Ensign was also a member of the club, from approximately July 14, 2004 until July 23, 2010. Senator Ensign played multiple rounds of golf with Mr. Hampton and had meals with him at the facility. Mr. Hampton left NV Energy in November 2006, and his TPC membership was transferred to a different NV Energy employee.

Senator Ensign and Doug Hampton played golf together very often, and would typically play both days of the weekend. Mr. Hampton and Senator Ensign were "addicted to golf." The Ensigns and the Hamptons would then often meet together for a family dinner on Sundays. According to Senator Ensign's father, Mike Ensign, the couples were "always" together: "we would see them [the Hamptons], and we would see their kids when we would visit John and his family. And they were always invited to everything, no matter what, if it was a dinner, this or that. They were always there. They were best friends. And the kids were best friends."

Mr. Hampton borrowed money from Senator Ensign, including a \$20,000 unsecured loan when their children were young. Mr. Hampton paid some of the funds back, but after the affair was disclosed, Senator Ensign forgave the loan. The Hamptons also borrowed money from the Ensigns to refinance their home in 2004 (\$15,000) and 2006 (\$25,000); the home was valued at over one million dollars and was too expensive for the Hamptons to otherwise afford. The

Hamptons could not afford to send their children to the same school the Ensign children attended and, over Ms. Hampton's objection, the Ensigs paid for the Hampton children to attend the school. The Ensigs paid approximately \$15,170 in September 2006, and \$23,970 in July 2007, for school tuitions and various other smaller amounts for expenses and school activities. The Hampton children attended public school for a period of time, but the Ensigs continued to insist on paying tuition, so the Hampton children attended the school. Ms. Hampton was the primary car pool driver for the Ensign and Hampton children. After the affair, the Ensigs stopped paying for the school, forcing the Hamptons to borrow approximately \$20,000 from Ms. Hampton's father to permit the children to finish their education at the school.

Ms. Hampton also recalled trips they took with the Ensigs, including two trips to Napa Valley, summer vacation trips to Barstow, California, a family trip to Lake Tahoe, a trip to Del Mar, California, a trip to Washington State, and a trip with the Senator and Darlene Ensign to Hawaii in December 2006. The Ensigs typically paid for those trips and expenses on the trips.

In 2006, Senator Ensign's Chief of Staff, Scott Bensing, announced he was leaving the office to work as Executive Director of the NRSC. Mr. Lopez had been working as Senator Ensign's Deputy Chief of Staff prior to Mr. Bensing's departure; and had held a variety of legislative and campaign positions with Senator Ensign and other lawmakers over the past fifteen years. Mr. Lopez was interested in the vacant Chief of Staff position based on his experience and years of service for Senator Ensign. According to Mr. Lopez, Senator Ensign and he had always had a professional, but not a close personal, relationship, calling it "an inch deep and a mile wide." Mr. Lopez felt that, even with Mr. Lopez's strong congressional office and legislative experience, the Senator preferred the company of "alpha males" as his confidantes and friends, so Mr. Lopez was not surprised when the Senator expressed reservations to him about Mr. Lopez taking on the Chief of Staff position.

Senator Ensign then had the idea that he could hire Doug Hampton as his Administrative Assistant, who could take on certain tasks for which he did not believe Mr. Lopez to be well-suited, and then Mr. Lopez could take the Chief of Staff position. Senator Ensign believed that Mr. Hampton had significant management training in prior positions, and claimed that Mr. Hampton was a "management guru" and had been trained in Japanese corporate management skills. Prior to working at NV Energy, Mr. Hampton worked at the Tom James Company as a clothing salesman, at McDonnell Douglas as a Manager, and as a business pastor of a church in California.

Mr. Lopez then divided Senate office responsibilities between the two positions: Mr. Hampton was responsible for management and oversight of the state offices and all personnel and administrative issues; Mr. Lopez, given his Capitol Hill experience, was responsible for all legislative and communications issues. Mr. Hampton began work for Senator Ensign as his Administrative Assistant in November 2006.

B. Senator Ensign's Affair with Cynthia Hampton

Cynthia Hampton was hired as Assistant Treasurer by the Senator's campaign committee, Ensign for Senate ("EFS"), in June 2004 and became Treasurer after the 2006 election. She also became treasurer of the Senator's leadership PAC, BattleBorn PAC, in February 2008, and

received an increase in pay based on these additional duties.⁶ Ms. Hampton's job was part-time, and she received positive job reviews from those who reviewed her work. Although the schedule varied, when Doug Hampton took the job as Administrative Assistant on the Senator's staff in Washington, D.C., he typically would spend three to four days of the work week in Washington, and one day in Las Vegas, sometimes working out of the Senator's Las Vegas office. When Mr. Hampton was home on the weekends, he would spend a lot of the time golfing with Senator Ensign.

In November 2007, the Hampton home in Summerlin, Nevada was burglarized during the daytime. Although they were in Nevada at the time, none of the Hampton family members were home at the time of the incident. The burglars entered the home by breaking into the downstairs guest bathroom, and they stole electronics and jewelry. When Mr. Hampton came home, he saw that the front door to the home was left open, and suspected that something had occurred. Ms. Hampton was afraid to stay in the home, and the Ensigns offered to let the Hamptons stay in their home until the door was repaired and Ms. Hampton felt safe to return to the home. Senator Ensign said "well, you guys are going to have to come and stay with me."

The extramarital affair between Senator Ensign and Ms. Hampton began after the Hamptons moved into the Ensigns' home following the burglary. As noted above, the Special Counsel did not inquire into the intimate details of the affair, but did inquire as to the initiation, timing, and duration of the affair.

Senator Ensign initiated the affair by contacting Ms. Hampton and asking her to meet with him. She asked Senator Ensign if he "lost [his] mind," and he replied "yes." Senator Ensign was very persistent and relentless in pursuing Ms. Hampton. According to Ms. Hampton, Senator Ensign "just [wouldn't] stop," and "kept calling and calling," and "would never take no for an answer."

Ms. Hampton was in a vulnerable emotional state and a "mess" at the time Senator Ensign was pursuing her, as her home had been burglarized, a family member was undergoing medical treatment, and Mr. Hampton's travel schedule back and forth to Washington gave them little time to be together. Ms. Hampton ultimately yielded to Senator Ensign's pleas. Senator Ensign and Ms. Hampton met "periodically on the weekends" during the affair.

At the time the affair began, Ms. Hampton's sole source of income was her work for the EFS and BattleBorn. Mr. Hampton's sole source of income was from his work as the Senator's Administrative Assistant. Senator Ensign had the power to fire both Ms. Hampton and Mr. Hampton.

Once the affair began, Ms. Hampton had serious concerns about her job with Senator Ensign's campaign. She stated that "I just didn't want to lose my job. I loved my job. I loved the people I worked with ... I had a lot of fear of losing my job." Ms. Hampton repeatedly

⁶ Although the timing of the increase in pay is coincidental to the timing of the affair between Senator Ensign and Ms. Hampton, there is no evidence to suggest that the increase was related to the affair. Ms. Hampton replaced the previous Treasurer, who was fired from the position because of alleged embezzlement, and her increased duties warranted a pay increase.

communicated her concerns about her job to Senator Ensign. Ms. Hampton sought counseling beginning in approximately February 2008, and continuing during the affair, and was advised to tell Senator Ensign to stop contacting her, and that she wanted to continue working as his campaign treasurer. Senator Ensign told Ms. Hampton that "I'll do everything I can to keep you [employed]."

1. Mr. Hampton's Discovery of the Affair

Mr. Hampton found out about the affair on December 23, 2007, while he and his wife were on the way to the airport to pick up their son for the holidays. Senator Ensign was in a separate car on the way to the airport to greet the Hamptons' son as well. While waiting in his car as Ms. Hampton went to pick up their son's girlfriend from her home on the way to the airport, Mr. Hampton saw that his wife left her cell phone in the car and he viewed a text message from Senator Ensign to Ms. Hampton that made clear an affair was occurring. Press reports indicate the text message stated "How wonderful it is ... Scared, but excited."⁷

When Ms. Hampton came back to the car, Mr. Hampton stated "I know what you and John are doing." Mr. Hampton then called Senator Ensign and said that he knew what was happening. Senator Ensign did not inform Darlene Ensign at the time. When the cars were parked in the airport parking lot, Mr. Hampton jumped out of his car and chased Senator Ensign in the airport parking lot. Ms. Hampton went into the airport and sat there for "hours." Ms. Hampton later took a taxi back to her home. Once she was home, Mr. Hampton sought to get the couples together to talk about what occurred.

On December 24, 2007, the Hamptons went to the Ensigs' home, and the four adults met in Senator Ensign's home office. Both Senator Ensign and Ms. Hampton stated that the affair would stop, and Senator Ensign wept and apologized. The Ensigs and Hamptons then had a meeting with their children. The families then celebrated Christmas together. According to Ms. Hampton, had Senator Ensign stopped pursuing her at that time, as he had committed to do before both families, the affair would have ended at that time.

In January 2008, Senator Ensign began texting Ms. Hampton again, and the affair resumed. Ms. Hampton was very despondent during this time frame. Senator Ensign gave Ms. Hampton \$3,000 in cash to purchase items for herself and to use for hotel rooms in Las Vegas that Ms. Hampton reserved in her name at his request for their clandestine meetings, because "it always had to be under my name, it could never be under his name."

Senator Ensign told Ms. Hampton on more than one occasion that he wanted to marry her. Senator Ensign told Ms. Hampton that he wanted to marry her while they attended the National Prayer Breakfast in Washington.

During a Congressional Delegation trip (a "CODEL") to Iraq and Afghanistan from February 7, 2008 to February 12, 2008, Senator Ensign repeatedly contacted Ms. Hampton. Telephone bills from the calls she received from Senator Ensign while he was on the CODEL

⁷ *Text Message Exposed Senator Ensign's Affair*, Associated Press, Nov. 23, 2009. Mr. Hampton also stated the text of the message during his television appearance on Nightline on November 23, 2009.

totaled nearly \$1,000. Senator Ensign gave Ms. Hampton money to pay the telephone bill, and Ms. Hampton obtained a cashier's check to make the payment. Mr. Hampton, who was also on the trip, became aware of the continued contact between Senator Ensign and Ms. Hampton. He asked to borrow Senator Ensign's cell phone to call Ms. Hampton, and Senator Ensign scrolled to a name listing for "Aunt Judy" rather than Ms. Hampton's real name. The call history on the phone also disclosed to Mr. Hampton that the affair was continuing.

2. **Mr. Hampton Seeks Assistance to End the Affair and an "Intervention" Is Held**

When Mr. Hampton returned from the CODEL trip, he immediately sought the assistance of Tim Coe, Senator Ensign's long-time spiritual advisor, to assist with ending the affair. Mr. Coe recommended that they bring in a "higher authority, someone much bigger than me," and approached Senator Tom Coburn. Senator Coburn was also a resident of the C Street Center, and was a close spiritual and personal confidant to Tim Coe and to Senator Ensign.

Senator Coburn, Mr. Coe, David Coe (Tim Coe's brother and fellow spiritual advisor to the International Foundation), Mr. Hampton, and Marty Sherman decided to confront Senator Ensign about the affair and did so as soon as he returned to Washington, D.C. from the CODEL on Valentine's Day, February 14, 2008. They confronted Senator Ensign at the C Street House. Senator Ensign "started to lie," but he was told that "we know the truth," and then Senator Ensign confessed to the affair. Senator Ensign was told that the affair had to stop. Mr. Hampton was very emotional during the meeting, and at one point got very close to a physical confrontation with Senator Ensign. Senator Coburn asked Mr. Hampton to leave, stating "we'll take it from here. We'll take care of this."

At that confrontation, Senator Ensign agreed to write what appeared to be a sincerely apologetic letter to Ms. Hampton ending the affair. Senator Ensign wrote the letter, and Mr. Sherman mailed it from a Federal Express mailing facility. After it was mailed, Senator Ensign immediately called Ms. Hampton to alert her about the confrontation and to tell her to disregard the letter, which he had written only for the benefit of the men who were confronting him.

On February 16, 2008, two days after the intervention, Tim Coe received a call from Doug Hampton. Mr. Hampton was looking for the Senator to have him sign some documents for the NRSC, and saw his car and Ms. Hampton's car parked in a parking lot of a hotel close to their Summerlin neighborhood. Mr. Coe "pleaded with him [Hampton] to go home." Mr. Coe called Senator Ensign and stated "I know exactly where you are. I know exactly what you are doing. Put your pants on and go home." Senator Ensign initially said he would not leave the hotel room, telling Mr. Coe "I can't, I love her [Ms. Hampton]." Senator Ensign ultimately agreed to leave the hotel. After he left the hotel, Senator Ensign told Mr. Coe that he wanted to marry Ms. Hampton.

The following day, February 17, 2008, Mr. and Ms. Hampton went to Senator Ensign's home early in the morning to talk about the affair. Darlene Ensign was in California at the time with her daughter. Mr. Hampton wanted the affair to stop, and wanted "things to go back to how they were." It was "not a good meeting" because Senator Ensign stated that he was in love with Ms. Hampton and wanted to marry her and that Doug could not work for him any longer.

According to Ms. Hampton, the Senator subsequently told her that her husband had to leave the Senate office because he did not want Doug to be aware of the Senator's schedule, and that Senator Ensign would place fictitious events on his schedule so he could meet with Ms. Hampton.

Senator Ensign subsequently called Darlene Ensign to inform her of his continued feelings for Ms. Hampton. Senator Ensign then moved out of the family home to live with his parents for a time period. Senator Ensign's State Director confirmed that she picked Senator Ensign up from his parents' home for a period, and knew that the Senator was separated from his wife. Ms. Hampton testified that Senator Ensign informed his parents of the affair, and was told by his parents to stop the affair. Ms. Hampton stated that the affair stopped for a period of time, but "then he started right back up again."

3. The Affair Continues until July 2008

The affair continued after the February 17, 2008 meeting in the Ensign home and after Senator Ensign moved out of his home to live with his parents. Senator Ensign gave Ms. Hampton money to purchase two new cellular phones to be used exclusively so that they could communicate without detection. Records from these phones were retrieved and showed numerous text messages from Senator Ensign to Ms. Hampton. Specifically, 76 text messages were exchanged between Senator Ensign and Ms. Hampton from March 7, 2008 to March 10, 2008. Darlene Ensign became aware of these new phones, and they were disconnected. Senator Ensign wanted to buy two more phones, but Ms. Hampton declined because she did not want the contact to continue.

Senator Ensign also created email accounts with fictitious names in order to email Ms. Hampton, including "fredschwartz72@yahoo.com," "mariaschwartz@yahoo.com," and "maryholland82@yahoo.com." Senator Ensign called Ms. Hampton multiple times during this period from various locations at the Capitol, the Senate gym, and from New York while on a fund-raising trip.

Mr. Coe continued his efforts to stop the affair. Mr. Coe decided that Senator Coburn was not "big enough," so he decided to involve Senator Ensign's father, Michael Ensign. Mr. Coe gave Michael Ensign's cell phone number to Senator Coburn, and Senator Coburn agreed to call Michael Ensign. According to Mr. Coe's detailed and specific recollection, a call between Senator Coburn and Michael Ensign "absolutely" occurred. Michael Ensign stated that he appreciated the call, and "he'd handle it." After that call, Senator Ensign called Mr. Coe. Mr. Coe testified that "I've never seen him so angry." Senator Ensign "cursed" at Mr. Coe, a fact Mr. Coe recalled because "he's never cursed me before, and he was very, very upset." Senator Ensign then yelled "all sorts of expletives," and told Mr. Coe that he had no right to involve his father. Senator Ensign hung up on Mr. Coe before he could respond. Mr. Coe had "never seen that character before in him [Senator Ensign]." Senator Coburn denied speaking with Michael Ensign after he was informed about the affair. Michael Ensign did not recall whether a call with Senator Coburn had taken place, but in response to a question from the Special Counsel, Michael Ensign allowed as how the call may have taken place.

Additionally, a second confrontation occurred at the C Street Center approximately a month after the February 14, 2008 intervention. The intervention was instigated by Senator Coburn. Senator Coburn stated "I can't take this any more. I've got to tell these guys." Mr. Sherman and others, including Members of Congress, went to Senator Ensign's bedroom at the C Street Center and confronted him about the affair. It appeared that Senator Ensign "got it" and was more receptive to actually stopping the affair. According to Mr. Coe, Senator Ensign lied about the affair and how it persisted, and Mr. Coe did not "trust him going forward." Also, as noted above, Mr. Sherman did not believe that the affair was going to end after the initial intervention because he did not believe Senator Ensign.

Senator Ensign sent Ms. Hampton an email on April 1, 2008 asking whether "it is possible to talk," and stated it "concerns your job and a few loose ends." Ms. Hampton was "shaking" when she got the email, and called Senator Ensign because she believed it was about her job, which he knew she was fearful of losing. When she called, Senator Ensign stated that "he missed me and wanted to still see me," thus using Ms. Hampton's job as a ruse to speak with her and confess further feelings to her. Ms. Hampton was upset, but believed that "honestly in the back of my mind, I just thought John would never hurt our family."

According to Ms. Hampton, the affair continued very sporadically, with one meeting in June and one in July 2008 for a "very short visit." Ms. Hampton felt that she was not a healthy person at that time, and her attitude during these meetings was that "my life is ruined, so whatever," and that she agreed to see the Senator only because his persistence wore her down. Although Ms. Hampton continually told Senator Ensign to stop contacting her, he ignored her wishes. This was frustrating to her because "if he would have just left me alone, it would have ended back in December." Ms. Hampton sent Senator Ensign an email in August 2008 imploring him to stop contacting her because her "life and family is in shambles." Ms. Hampton never heard from Senator Ensign again. Ms. Hampton saw Senator Ensign at her children's graduation from high school in 2008, but has not seen him since that event.

In addition to filing for divorce, Ms. Hampton recently filed for bankruptcy and is presently moving out of California to work for a Christian organization.

C. Senator Ensign Plans for "Transition Finances" for Mr. Hampton

Mr. Coe and Mr. Sherman developed a plan to assist the Hamptons. Mr. Coe told Mr. Hampton that the first thing that should be done is to "separate people," which meant Mr. Hampton leaving the Senate office, and leaving Las Vegas. Mr. Hampton expressed concerns about employment, and Mr. Coe said "I'll help you find a job." Mr. Hampton also expressed concerns about his home, which was heavily mortgaged. A plan was formed for Senator Ensign to take over the mortgage or find a way to buy the home.

Mr. Sherman advocated assistance in relocating the Hamptons to Colorado, where he knew some businessmen who may be able to assist Doug Hampton with employment. The plan involved Senator Ensign taking over the Hamptons' Las Vegas mortgage or buying the house from them, and then providing them with enough money to live for a year and re-establish themselves in a new location.

Mr. Coe advocated the idea of Senator Ensign providing "transition finances" to the Hamptons so they could move out of Las Vegas. Mr. Coe and others asked Doug Hampton "what is it going to take to get you out of town?" Mr. Hampton stated that he needed the following: (1) pay off his mortgage; (2) a new job; (3) an appropriate school for his kids; and (4) be in a place where Cindy would not have to work. Mr. Coe talked about the finances with Senator Ensign, who stated that "I'll take responsibility for whatever I need to do," but did not "like the thought of buying the [Hamptons'] house." According to Mr. Coe, Senator Ensign stated that "there's no way, shape or form my father is going to give any money or help in the finances of this thing."

According to Mr. Sherman, Senator Coburn was aware of the transition plan for relocating the Hamptons to Colorado, and was in favor of the plan. According to Mr. Coe, Senator Coburn was supportive of the plan to provide transition finances. Senator Coburn was also supportive of putting the Hampton house on the market to see if it could get sold. Mr. Coe considered Senator Coburn part of "the team" to work out the "financial piece" of the issues. According to Mr. Coe, "Doug was more confident talking to Senator Coburn about finances than he was us," and Mr. Hampton thought Senator Coburn could "deliver John's father," who was wealthy. Senator Coburn played a "support role," and encouraged Senator Ensign to consider the plans developed by Mr. Coe and others regarding transition and separation.

D. Senator Ensign Arranges a Consulting Firm Position for Doug Hampton After Terminating Mr. Hampton

As set out above, when the Hamptons met with Senator Ensign at his home on or about February 17, 2008, Senator Ensign advised Mr. Hampton that he could no longer work for him. Immediately thereafter, on February 19, 2008, Mike Slanker, Lindsey Slanker, and Senator Ensign had lunch at the Nordstrom Café in Las Vegas. According to Mr. Slanker, Senator Ensign stated that Mr. Hampton was leaving the Senate because "the travel was too much" and Cindy Hampton had health issues.

While Senator Ensign was away from the table, Mr. and Ms. Slanker discussed Mr. Hampton's departure and wondered if there was a way the two of them could help Mr. Hampton. Mr. Slanker had the idea of allowing Mr. Hampton to use November Inc., a company owned by the Slankers, as a platform for Mr. Hampton's work. Mr. Slanker had previously created November Inc. in 2003 as a campaign consulting firm, which provided advice to multiple campaigns at any given time. While November Inc. had other partners at various times, it was primarily a creation of the Slankers. When the Slankers joined the NRSC, they ended their relationships with all current clients of November Inc. and let the company sit dormant. November Inc. did not have any current clients or income at the time given the absence of the current principals. According to Mr. Slanker, if Mr. Hampton was able to obtain clients, he could use November Inc. "as the business card."

When Senator Ensign returned to the table and heard the idea about November Inc., he became "giddy." Mr. Slanker had not anticipated this reaction; it was his understanding that Mr. Hampton would go out and get a job at an established firm, and that potentially using November Inc. would simply be a fallback plan. Suddenly, however, Senator Ensign appeared settled on

the prospect of Mr. Hampton working through November Inc. Senator Ensign called Mr. Hampton from the Café and told him of the plan.

Immediately after the lunch at the Nordstrom Café, Senator Ensign met with Mr. Slanker and Mr. Hampton in his Las Vegas office. During the initial meeting, Senator Ensign proposed that he would help Mr. Hampton obtain three clients paying \$5,000 per month, enough for Mr. Hampton to be "whole." From the Slankers' perspective, they were not forming a partnership with Mr. Hampton, but were just giving him a platform from which he could find clients and "eat what [he] kill[ed]."

At the time they agreed to let Mr. Hampton work for November Inc., Mike and Lindsey Slanker did not know of the affair between Senator Ensign and Cindy Hampton. At some point after the Slankers agreed to have Mr. Hampton work at November Inc., during the Spring of 2008, Darlene Ensign called the Slanker residence late at night. Darlene Ensign informed Mike Slanker in that telephone conversation that Senator Ensign had been having an affair with Cindy Hampton. Mr. Slanker told Lindsey Slanker about the call; shortly thereafter, Darlene Ensign spoke directly with Lindsey Slanker, confirming the affair.

Mr. Slanker met with Mr. Hampton and told him that he knew all about the affair; Mr. Hampton suggested that the two men speak with Senator Ensign. Mr. Slanker and Mr. Hampton confronted Senator Ensign in his office at the NRSC in Washington, D.C. According to Mr. Slanker, Senator Ensign "was eating Wheat Thins one at a time, kind of tossing them in his mouth, and he didn't seem to miss a beat," and he gave a very weak apology. Mike Slanker noted that Senator Ensign had lied to him about why Mr. Hampton was leaving the Senate, and felt that it was a burden imposed on him; he did not know why he was given this burden because he was peripheral to the situation. After learning of the affair, the plan remained the same: Doug Hampton would work for November Inc. and obtain his own clients.

Tim Coe stated that Doug Hampton had no lobbying experience, no Capitol Hill experience, and stated "he's not known at all." Therefore, Mr. Coe was surprised when Senator Ensign informed Mr. Coe that Mr. Hampton was going to work for November Inc. Mr. Coe stated "how does that get him [Hampton] out of the city?" Senator Ensign stated "he's not leaving," and Mr. Coe responded "well, that's insane."

E. The Senator Has Extensive Discussions with Doug Hampton about Severance Payments

In late March 2008, Darlene Ensign sent Ms. Hampton an email informing her that she would no longer be Senator Ensign's campaign treasurer. Senator Ensign subsequently stated to Ms. Hampton that his father and Darlene Ensign would not let Ms. Hampton be the treasurer any longer.

Doug Hampton and Senator Ensign first discussed the payment of severance on April 2, 2008. Mr. Hampton provided information regarding discussions he had with the Senator and provided to the Committee what he represents to be notes from the April 2, 2008 meeting and calls, described as "Record of discussions with John Ensign." Doug Hampton stated that he prepared the notes the evening of April 2, 2008 in order to record his discussions with the

Senator about the exit strategy. Mr. Hampton's attorney, Daniel Albregts, testified that his understanding from Mr. Hampton was that the notes were prepared contemporaneously "to make sure he had a record – something in writing – so that he could remember what they discussed, in case he needed it for later." Ms. Hampton testified that the notes were consistent with how Mr. Hampton typically worked: "He's very detailed like that. And that's how his mind works. He would always record everything."

Mr. Hampton stated that on April 2, 2008, following an overnight flight to Washington, D.C., he and the Senator met at the Senator's Capitol hideaway. The two discussed an "exit strategy and severance" for both himself and Ms. Hampton. Mr. Hampton believed that he may have been the one to first introduce the idea of a severance payment. Mr. Hampton memorialized the conversation with Senator Ensign in notes that evening, and recorded the following in an excerpt from his notes:

9:40 AM, 4/2 DC

Brief discussion with him on four matters

Exit strategy and severance for Cindy

Exit strategy and severance for Doug

Communication plan

Absolutely no contact with Cindy

-He response [sic] was he understood

(emphasis added).

Following the in-person meeting, Senator Ensign phoned Mr. Hampton twice on April 2, 2008 to discuss Mr. Hampton's imminent departure from the Senator's office and to determine the amount of severance that both he and Ms. Hampton would receive.

During a telephone call at noon on April 2, 2008, Doug Hampton proposed using Ms. Hampton's prior medical history as an excuse as to why the Hamptons were leaving the office (Ms. Hampton subsequently had intestinal surgery in May 2008). Further excerpts from Doug Hampton's notes from that call reflect the following:

Noon, 4/2/ DC

John called me on my cell from NRSC to discuss some details

...

- I shared my idea of health plan – Cindy history

- We discussed timing of departure JE agreed for me to stay on thru April

- Better for client building – He offered to continue effort....

- Said he would go to work on the above issues

Later on April 2, 2008, at 7:30 p.m., Senator Ensign called Mr. Hampton with a proposal. Senator Ensign proposed that Doug Hampton receive two months severance and that Ms. Hampton receive one year severance. The two discussed gift rules and tax law, and splitting up the payments into various amounts, totaling \$96,000, as a way to avoid the payment of taxes on the amount. Doug Hampton's notes from the 7:30 p.m. call state as follows:

7:30 P.M., 4/2 LV

John called asked if it was ok to share the outline of a plan

- Doug ~ 2 mn severance, continue client building

- Cindy ~ 1 year salary

- Discussed gift rules and tax law

- Shared a plan to have both he and Darlene write ch's in various amounts equaling 96K

He asked if the offer was ok and did I agree – I said I would need to think about and would get back with him.

(emphasis added).

Ms. Hampton testified that Doug Hampton called her on April 2, 2008 and told her about his conversations with Senator Ensign. Ms. Hampton learned from Doug Hampton that Senator Ensign planned to pay her one year of severance and to pay Doug Hampton two months severance. Ms. Hampton testified that she later spoke to Senator Ensign about the April 2, 2008 discussions. The Senator told her that she should expect a check in the mail that consisted of one year severance for her and two months severance for Doug Hampton. Ms. Hampton had no recollection that either her husband or Senator Ensign informed her that they had agreed to a total severance payment of \$96,000.

Mr. Hampton recalled that after the April 2, 2008 meetings with Senator Ensign, he returned to Las Vegas. Mr. Hampton recalled receiving a call from Senator Ensign in which Senator Ensign told him that he would give Mr. Hampton a check and that "you don't have to tell anyone about it." Senator Ensign confirmed with the Committee, through counsel, that he spoke with Mr. Hampton about the request, told Mr. Hampton he would be receiving the check, and discussed the federal gift tax.

F. The Senator's Father Makes a Payment of \$96,000 from the Ensign Family Trust to the Hamptons

After the April 2, 2008 meeting and calls between Doug Hampton and Senator Ensign, the Hampton family—Doug, Cynthia, and two of their three children—received a check for \$96,000, dated April 7, 2008, from the Ensign Family Trust account.

The check appears to have been processed on or about April 9, 2008. No evidence has been presented that the Hampton children actually received the funds that were specifically for them, or as to whether the Hamptons placed the funds in a custodial account for the minor children.⁸ The evidence indicates that Mr. and Mrs. Hampton dictated how the entirety of the funds should be spent, which is consistent with the evidence in the record that the payment was a severance.

⁸ One of the Hampton children was a paid intern for the NRSC during this time period, specifically from March 2008 to August 2008. The Special Counsel developed no evidence to suggest that he did not work and earn his payments or that this employment was related to the affair or Mr. Hampton's post-employment lobbying activities.

The Ensign Family Trust is an estate planning tool that holds the significant personal assets of Michael and Sharon Ensign, the parents of Senator Ensign. Senator Ensign has no authority to order disbursements from the trust. Michael Ensign directs the management of the trust and his chief financial officer, Bruce Hampton (no relation to Doug or Cindy Hampton), executes Michael Ensign's directions.

The amount of the check surprised Ms. Hampton, as the check amount exceeded the amount that she had expected to receive pursuant to her discussions with her husband and the Senator. As of April 2008, Ms. Hampton's annual salary was approximately \$50,000, while Mr. Hampton's fiscal year 2007 salary was \$144,146.71 (averaging approximately \$12,000 per month pretax). Ms. Hampton expected a check from Senator Ensign for one year severance for herself (\$50,000) and two months severance for Doug Hampton (approximately \$24,000), or approximately \$74,000 in total.

Ms. Hampton spoke to Senator Ensign by phone and asked how he arrived at the check amount. Senator Ensign informed her that she could put the extra money toward her health insurance. Ms. Hampton also asked Senator Ensign why the check came from the Ensign Family Trust, rather than the Senator, and why her children were included as payees. Senator Ensign explained that the check fell within the maximum amounts permissible under the applicable gift and tax laws.

Following the receipt of the \$96,000 check, on April 9, 2008, Ms. Hampton left her employment at the Senator's campaign office.

G. Mr. Hampton Receives Excessive Unused Vacation Pay

Mr. Hampton's last day on the Senate payroll was May 1, 2008. Mr. Hampton received an additional \$6,000 payment in his final month of employment, which exceeded the permitted rate of pay for Senate personal offices. Senator Ensign's office released a statement stating that \$6,000 of the final payment was for "12 days of unused vacation."⁹

Several individuals provided information to the Committee staff that Mr. Hampton was not in either Senator Ensign's Washington office or any of the local state offices for the majority of April 2008, and his work attendance was significantly less in the months leading up to April 2008. Therefore, there were likely no vacation days available to Mr. Hampton upon his departure from the Senate.

⁹ Paul Kane, *Ensign Defends Payments to Woman He Had Affair With*, Washington Post Capitol Briefing, June 18, 2009.

H. Senator Ensign Takes Action Surrounding Mr. Hampton's Post-Employment Lobbying

1. Senator Ensign Takes Steps to Reduce Records Retention, Communicate Off of the Senate Server, and Minimize Contacts with the Ethics Committee

Prior to public disclosure of the affair, Senator Ensign implemented office policies that would reduce the preservation of records in the office. Senator Ensign further sought to minimize contacts with outside parties including the Senate Ethics Committee.

On March 13, 2008, Jessica Walton, Senator Ensign's Office Manager, emailed Senator Ensign's staff regarding "implementing a long overdue shredding program requested by Senator Ensign." John Lopez testified¹⁰ that Senator Ensign did indeed request the implementation of a shredding program in order to dispose of sensitive documents. At or around the same time, Senator Ensign approached John Lopez about using text messaging or PIN messaging¹¹ instead of communicating by email. According to Mr. Lopez, Senator Ensign expressed some concerns about email communications remaining on the Senate server.

Additionally, in May 2008, Mr. Lopez took steps to formalize an informal policy for Senator Ensign's staff requiring all contact with the Ethics Committee to be channeled through Lopez. This informal policy arose out of an instance in October of 2007 in which Senator Ensign attended a charity fundraiser in South Dakota, and assembled a package of Washington, D.C.-related tours and experiences. The auction raised over \$10,000 on one of the packages. Mr. Lopez recognized that such an amount would violate the gift limit. Mr. Lopez asked Ms. Jackson to inform the charity that it would need to refund the difference between what it received and the gift limit, and wrote a memo to Senator Ensign detailing these ethical concerns. After reading the memo, Senator Ensign summoned Mr. Hampton and Mr. Lopez and was "furious." According to Mr. Lopez, Senator Ensign stated "the Ethics Committee, they will always tell you no if you want to do something...they take the most conservative view about everything." Senator Ensign then stated that only Mr. Lopez should speak to the Ethics Committee, and he should clear all contacts with the Ethics Committee with Senator Ensign.

Senator Ensign's position regarding the Committee is also memorialized in an Ethics Committee Memorandum in which Senator Ensign instructed his staff to ignore and not follow Committee staff guidance on a particular issue while the Committee staff member was in the meeting. According to the Memorandum, Senator Ensign "instructed his staff to completely disregard the advice given."

¹⁰ Mr. Lopez testified before the Special Counsel under a grant of immunity.

¹¹ PIN messaging is a proprietary messaging service that allows BlackBerry users to send messages directly to one another; a PIN message is not routed through the user's email account. See BlackBerry User Manual, About PIN Messages, available at [http://docs.blackberry.com/en/smartphone_users/deliverables/1487/About PIN messages 26344 11.jsp](http://docs.blackberry.com/en/smartphone_users/deliverables/1487/About_PIN_messages_26344_11.jsp) (last visited April 25, 2011).

On May 8, 2008, Mr. Lopez met via teleconference with the staffers in Senator Ensign's Nevada offices and informed them of the change. He also requested that the Office Manual be updated to require all contacts with the Ethics Committee to go through him. The timing of Senator Ensign's interest in the destruction of records and communication with oversight committees coincides with the affair with Cindy Hampton, and Mr. Hampton's departure.

2. Senator Ensign Takes Efforts to Persuade and Compel Constituents to Hire Mr. Hampton

Immediately following the meeting in which Senator Ensign told Mr. Hampton he could no longer work for him, Senator Ensign set out to find Mr. Hampton work. Senator Ensign met with constituents, only to see if Mr. Hampton could meet with them for an interview shortly thereafter. For example, Senator Ensign met with executives at Switch Communications, a Nevada company, on February 20, 2008, and company representatives met with Mr. Hampton on February 27, 2008.

Mr. Hampton's position as Senator Ensign's Administrative Assistant constituted his only relevant experience with respect to the federal government. While employed by Senator Ensign, Mr. Hampton had no responsibilities pertaining to policy matters. Senator Ensign's staff testified that Mr. Hampton did not show much interest in policy, did not "seem to grasp policy issues," and he lacked the "horsepower" to work on policy matters. Despite all of this, Senator Ensign marketed Mr. Hampton as someone who could provide valuable federal government relations services to Nevada constituents.

Significantly, according to Mr. Hampton's April 2, 2008 notes of the severance discussions set forth above, Senator Ensign proposed an explanation for Mr. Hampton's departure based on a "falling out" between the two men. When Mr. Hampton noted that this would hurt his ability to obtain clients, Senator Ensign agreed. Mr. Hampton's notes also indicate that Senator Ensign was assisting Mr. Hampton in finding clients. This understanding tends to show awareness, on the part of Senator Ensign, that Hampton would be lobbying Senator Ensign's office; the relationship between Hampton and Senator Ensign was only important for Mr. Hampton's business development if the pitch to clients involved that relationship.

Senator Ensign's assistance in finding clients for Mr. Hampton exceeded the typical provision of references and, on occasion, Senator Ensign used his office and staff to intimidate and cajole constituents into hiring Mr. Hampton. In one instance, Senator Ensign contacted Paul Steelman, a Las Vegas developer, to see if he would hire Mr. Hampton to do government affairs work. Mr. Steelman had previously worked with Sig Rogich, a Nevada consultant formerly of R&R Partners, on similar issues. Mr. Rogich emailed Mr. Steelman and recounted that Mr. Steelman was "not really interested in adding another staff member...consultant" and encouraged Mr. Steelman to "stay with that position." According to Mr. Lopez and others, after Senator Ensign heard that Mr. Steelman was declining to hire Mr. Hampton based on Mr. Rogich's advice, Senator Ensign had John Lopez phone Mr. Rogich and "jack him up to high heaven and tell him that he is cut off from the office and never to contact [Senator Ensign] ever again." When Mr. Lopez conveyed that message by phone to Mr. Rogich, Mr. Rogich responded that "there's nothing [Hampton] could do for us." Mr. Rogich was angry, as a supporter of

Senator Ensign's, that the Senator had not made the phone call personally, but confirmed that he understood he was not to contact Senator Ensign in the future.

Mr. Lopez, reflecting on this situation, testified that:

I just wanted to mention that when the Senator asked me to do that, I really felt like this is wrong. I remember really feeling like that was abusing the office, you know, cutting someone off from official action because he didn't hire [Hampton], I thought -- I had qualms about what I was asked to do.

(emphasis added)

One executive at P2SA and Biodiesel of Las Vegas reported a similar interaction with Ms. Allmon, Senator Ensign's Director of Nevada policy, in which she pressured the companies to hire Mr. Hampton for access to Senator Ensign.¹² Although Committee Staff received conflicting testimony from witnesses, one witness, Tad Greener, stated that he spoke with Allmon about his company and its industry, and Allmon responded "I don't care about that, what are you going to do about Doug?" Mr. Greener informed CREW of this information, and he also spoke with the New York Times. Ms. Allmon denied having made such a statement, but the Committee Staff did not generally find her testimony to be credible.

Even where Senator Ensign did not resort to coercive techniques, he engaged in an extraordinary effort to market Mr. Hampton to Nevada businesses and individuals. Starting on or about February 20, 2008, three days after meeting with the Hamptons in his home, Senator Ensign called a number of entities and executives on Mr. Hampton's behalf, including but not limited to Allegiant Airlines; NV Energy; Open Range; EcommLink; and Switch Communications. At this time, Senator Ensign served on two subcommittees on the Committee for Commerce, Science, and Transportation (the Aviation Operations, Safety and Security Subcommittee, and the Science, Technology and Innovation Subcommittee), which were influential bodies on topics significant to many of these constituents.

I. Mr. Hampton Departs and Immediately Lobbies Senator Ensign's Staff

Prior to Mr. Hampton's departure from the Senate, Allegiant Airlines agreed to hire him as an outside consultant for government affairs. Allegiant, a regional commercial airline based in Las Vegas, had a long-standing relationship with Senator Ensign through two of its executives, Maury Gallagher and Ponder Harrison.

At some point prior to April 18, 2008, Mr. Lopez learned that Mr. Hampton would be working for Allegiant, and that Senator Ensign had been "lining up work" for Hampton; he relayed this information to Mr. Quinalty, who had provided information regarding FAA reauthorization to Mr. Lopez and Mr. Hampton. Mr. Lopez does not recall when and from whom he received this information.

¹² Eric Lipton, *Investigation Shows Ensign Appealed to Company*, New York Times (April 1, 2010).

In April 2008, his last month in his position as Administrative Assistant, Mr. Hampton suddenly developed an interest in policy issues pertaining to aviation. For example, Ms. Thiessen, Legislative Director, testified that she recalled Mr. Hampton engaging in a very long discussion on a white paper related to Allegiant in his last legislative meeting. This was odd from her perspective because he had never shown interest in the issue before. The same day Mr. Hampton announced he was leaving the Senate, April 16, 2008, he sent an email to Mr. Mulvihill, one of Senator Ensign's legislative staffers and legal counsel, regarding increases in the price of oil, noting that the "airline industry is predicting 15B in losses" and seeking opportunities for Senator Ensign to intervene on the issue. Mr. Quinalty forwarded an email regarding FAA reauthorization to Mr. Hampton two days later, on April 18, 2008. The email suggests that Mr. Hampton had inquired about the issue earlier that week. All of this work on aviation issues suggests that, after Allegiant hired Mr. Hampton, he did not recuse himself from issues related to his future client as required by Senate Rules,¹³ but rather actively engaged on them where he had not before, essentially getting a head start on his lobbying career.

Mr. Hampton, because of his salary level, was required under Senate Rule 37 to notify the Ethics Committee within three days of commencing any negotiations for prospective private employment, and to immediately recuse himself from legislative matters affecting that prospective employer. Committee Staff and Special Counsel were unable to find evidence that Mr. Hampton ever filed such a notification.

On April 16, 2008, Senator Ensign announced Mr. Hampton's departure at an all-staff videoconference. Ms. Hampton's health and the need for Mr. Hampton to be closer to his family were the reasons given for the departure.

On April 29, 2008, Ms. Walton contacted Elizabeth Horton, staff counsel for the Senate Ethics Committee, regarding Hampton's departure, writing "I have an employee that is leaving the office on May 1 and he has some questions regarding the job he is leaving for," and asked Horton to draw distinctions "between government relations and lobbying." Ms. Horton noted that she would be available to speak to Mr. Hampton if he called her. There is no record of such a call, but the perceived distinction between "government relations" and "lobbying" persisted throughout Mr. Hampton's interaction with Senator Ensign's office, and the staff's subsequent explanation of that relationship once the contacts became public.

Mr. Hampton's last day at the Senate was May 1, 2008; for purposes of the one-year post-employment restrictions codified at 18 U.S.C. § 207(c), Mr. Hampton was banned from contact with the Senate effective May 2, 2008.

On May 6, 2008, *the third business day of Mr. Hampton's post-employment period*, Mr. Hampton emailed Quinalty regarding FAA reauthorization issues on behalf of Allegiant Air:

David,

¹³ See Rule 37.14(c)(3).

Maury Gallagher and Allegiant Air are a client of mine. So you now have a greater need to make more frequent trips to LV in order to best serve the Senator.

In the information I provided you last week the bottom line is Allegiant would like DOT to reconsider its position on fuel surcharge pricing. Today it is not allowed in the taxes and fees section of pricing and considered deceptive advertising practices if the price is not determined at the time a ticket is booked.

It is my understanding that Reid's office has seen the Docket I provided you as well as Rockefeller's office. Can you please confirm as well as gain an understanding as to their position on this issue. It is my understanding the Rockefeller [sic] is helpful in this matter.

Since FAA Reauthorization is not going to be the vehicle to address this issue we need to look for another way to possibly amend this issue. If not addressed the airline industry stands to lose billions as well as lose a significant number of carriers which will further impact consumer prices.

Hope this helps. *Appears from my final leg time with the team that the Senator is interested in gaining a better understanding [sic] of this issue as while [sic].*

Doug

(emphasis added).

Mr. Quinalty testified that "in every way I could think of, [this email] struck me as inappropriate and odd and something I should take note of." Mr. Quinalty immediately took the email to Pam Thiessen. Ms. Thiessen testified that upon review of the email, she concluded that it "look[ed] like he [Hampton] broke the law, broke the ethics ban." Ms. Thiessen had Mr. Quinalty print out multiple copies, and gave one to Mr. Mulvihill, with instructions to take it to the attention of the Ethics Committee. Ms. Thiessen then spoke with Mr. Lopez, and stated that "on its face [the email] was illegal. So I told John Lopez this is illegal activity, that it's got to stop, and that Doug Hampton was being cut off from the leg. [legislative] shop." Ms. Thiessen then announced to the entire legislative staff that Mr. Hampton had broken the law and no one was to help him. Members of Senator Ensign's legislative staff recalled this announcement in their testimony.

Mr. Lopez testified that Ms. Thiessen met with Mr. Lopez in Senator Ensign's legislative suite, and was "waving [the May 6, 2008 email] around," and that Ms. Thiessen stated "[Hampton] is lobbying [Quinalty] ... He should not be doing this." Lopez testified that he responded by saying that "[Hampton] should not be calling [Quinalty]," and that he told Mr. Quinalty not to speak with Hampton. Mr. Lopez told Ms. Thiessen that he would "handle

[Hampton]" and asked Mr. Quinalty to forward any further contact from Doug Hampton directly to Mr. Lopez.

Mr. Mulvihill testified that he referenced the May 6, 2008 email on a phone call with Matt Mesmer of the Senate Ethics Committee on May 8, 2008. Mr. Mulvihill took notes on the email itself. Those notes indicate that the Ethics Committee advised Mr. Mulvihill "*do not help*" Mr. Hampton, and that while the office was "not banned," it was instructed "*don't respond*" and to "*refer to Ethics.*" The Ethics Committee notes from that same phone call indicate that Mr. Mesmer told Mr. Mulvihill that "the office should not engage in a contact with someone within their ban period, should not aid in a violation of the rules." Mr. Mulvihill testified that he informed Mr. Lopez and Ms. Thiessen of this advice, and advised Mr. Quinalty not to respond. Mr. Hampton sent an email to Mr. Quinalty on May 8, 2008, containing the identical text sent in the original May 6, 2008 email. Presumably, Mr. Hampton sent the email again because he had not received a response and wanted to ensure that Mr. Quinalty received it. There is no evidence that Mr. Quinalty ever responded, and Mr. Quinalty testified that he did not respond.

Mr. Lopez testified that he disagreed with Mr. Mulvihill's assessment that there was to be no contact between Mr. Hampton and Senator Ensign's staff. Mr. Lopez took the position that "giving [Hampton] information" was permitted under the rules, but admitted in his deposition that this position was "rationalizing" his conduct. Mr. Lopez asked Mr. Mulvihill for further clarification on the issue, and Mr. Mulvihill had a second conversation with Mr. Mesmer of the Senate Ethics Committee on May 14, 2008. Mr. Mesmer informed Mr. Mulvihill in that conversation that "I told him if it is purely historical in nature, can answer. Should not discuss present or future legislation/policy," and Mr. Mulvihill was told to seek guidance as each instance arises.

Mr. Lopez and Mr. Mulvihill "agreed to disagree" on the point, and Mr. Lopez promised to bring Mr. Hampton's email to the attention of Senator Ensign.

Mr. Lopez, while working on Capitol Hill, developed a close friendship with Brian Lewis, counsel to Senator McConnell. Mr. Lopez had a history of consulting with Mr. Lewis regarding a variety of issues related to working in the Senate, from ethical questions to ordinary office gossip. For example, Mr. Lopez spoke with Mr. Lewis after Mr. Hampton contacted Mr. Quinalty as noted above, because he was "well-versed" in changes to the post-employment restrictions. Mr. Lewis told Mr. Lopez that the post-employment restrictions were "solid" and "there's no gray area there."

Notably, both Mr. Lewis and Mr. Lopez testified that, despite this long-standing relationship, Mr. Lopez never told Mr. Lewis about the numerous contacts he later had with Mr. Hampton during Mr. Hampton's one-year ban period. Mr. Lewis testified that, to his knowledge, Mr. Lopez had put the "kybosh" on contacts from Mr. Hampton. Mr. Lopez also testified that he kept his contacts with Mr. Hampton confidential:

SC: Why didn't you tell [Mr. Lewis]?

MR. LOPEZ: Because he would be alarmed.

SC: And because you knew what you were doing was wrong?

MR. LOPEZ: Correct, that I was in over my head in what I thought I could – you know, that I could keep this all orderly in my mind. And I was just in way over my head.

SC: Orderly and under wraps so that nobody else would know that you were having the contacts other than the Senator, because this was – you were supposed to keep Doug Hampton away from other people in the office and you were supposed to handle his contacts?

MR. LOPEZ: I would say orderly and compartmentalized, for sure.

J. Senator Ensign and John Lopez Agree to Channel Mr. Hampton's Lobbying Contacts Through Mr. Lopez

On May 8, 2008, after a morning staff meeting, Mr. Lopez approached Senator Ensign in his office regarding Mr. Hampton's emails to Mr. Quinalty. According to Mr. Lopez, the result of this meeting was an understanding between Mr. Lopez and Senator Ensign that Mr. Hampton would continue to be allowed to lobby Senator Ensign's office, but to protect Senator Ensign's reputation, Mr. Lopez would handle all contacts with Mr. Hampton.

Specifically, Mr. Lopez began the May meeting by telling Senator Ensign, "you should know, [Hampton] is contacting Quinalty about Allegiant." Senator Ensign responded with a long, audible groan, which, according to Mr. Lopez, was "an acknowledgement that that was problematic." Mr. Lopez stated that "the junior staff should not be responsible for determining if his contacts violate the lobbying law. You know, he shouldn't be calling them." Senator Ensign agreed. Mr. Lopez told Senator Ensign that Ms. Thiessen had taken the position that Doug Hampton should not contact the office at all; Senator Ensign stated "that's [Thiessen] for you."

Mr. Lopez then stated, "look, in the future, just so this is handled properly, I will be in charge of dealing with [Hampton] so he doesn't do this [contact other staff members]." According to Mr. Lopez, Senator Ensign responded animatedly:

"[Y]eah, good. Yeah, yeah, yeah do that."

Mr. Lopez explained that he had made clear to Senator Ensign that Mr. Hampton's contact was a violation of both ethical rules and federal law, and that Senator Ensign "acknowledged it was problematic." Mr. Lopez testified that:

It was very typical of John Ensign to – you know, see no evil, hear no evil. It was kind of one of those things where now he didn't have to worry about the messiness of how this was done. That was – that's what I was thinking about at the time.

...
[Senator Ensign's] attitude was just – he – you know, my sense was he just didn't want to hear about it, and I didn't take anything to him because it was out of his hair, it was out of sight, out of mind, and he didn't have to be bothered with it and I was, you know, essentially taking the heat on his behalf.

...
I tried to just keep this away from [Senator Ensign] as much as possible, and I viewed myself as being loyal and handling it on my own, which is what I believe he expected of me.

(emphasis added).

Mr. Lopez explained that, despite his personal dislike of Mr. Hampton, he offered to help Mr. Hampton because "keeping [Senator Ensign's] reputation intact and keeping [Hampton] employed would probably mean that I would have to, you know, help him, I would have to help him in order for that to be successful." Mr. Lopez confirmed that Senator Ensign was "well aware" of the fact that Mr. Lopez was helping Mr. Hampton with his client matters, but that he did not want to know the details of that assistance. Mr. Lopez stated "I don't know if [Senator Ensign] knew exactly what kind of communications [Hampton] was having with the office, and I just don't think he wanted to know. So that was my understanding of kind of our agreement at the time."

Mr. Lopez was not aware of the affair between Senator Ensign and Ms. Hampton when he discussed Mr. Hampton's contact with the Senate office, and in fact, Mr. Lopez did not become aware of the affair until June 15, 2009 during the emergency staff meeting called by Senator Ensign.

Mr. Lopez explained that he felt intimidated to discuss the matter further due to Senator Ensign's loyalty to Mr. Hampton and the perception that Mr. Hampton was an untouchable subject. He recalled an occasion on which a staff member, a former Marine Corps Colonel, had mentioned in his exit interview that Mr. Hampton was not well-liked among the staff, and Senator Ensign:

[gave] the colonel a look like "don't you dare go there." And I remember the colonel kind of squirming and the subject was dropped. But that really stuck in my mind, because I thought, you know, if a Marine Corps colonel who [Senator Ensign] respected without question can get dressed down by [Senator Ensign] for bringing up [Hampton's] name, then certainly it would most definitely happen with me.

After Mr. Hampton's emails to Mr. Quinalty on May 6 and 8, 2008, Mr. Hampton never contacted Mr. Quinalty again.

In late June and early July, Mr. Hampton began to contact Mr. Lopez about two separate client matters: a pending bill regarding the transition to digital television signals, and enforcement action that the DOT had initiated against Allegiant Airlines based on certain fees added to tickets purchased online. Mr. Lopez testified that "[Hampton] started calling me directly. And in my mind, it was apparent to me that *the Senator and [Hampton] had had a conversation about that*, because my recollection is I did not."

In fact, Mr. Hampton and Senator Ensign were speaking during May and June of 2008 about Mr. Hampton's business. Mr. Hampton emailed Senator Ensign on May 27, 2008, and

complained about the difficulty he was having finding clients; he noted that he would not draw a salary in May because he had not collected on invoices from his two clients. Mr. Hampton stated in that email that "regardless of the circumstances, you ensured me that I would not be injured as a result of leaving your organization." Three days later, on May 30, 2008, Mr. Hampton again emailed Senator Ensign, thanked him for getting Allegiant Air as a client for November Inc., but expressed frustration with his loss of income, noting that the severance paid in April was not sufficient to compensate him for the loss of his position as administrative assistant: "I know it's been more difficult getting clients and arranging contracts than you presented in March in the [Las Vegas] office with Slanker." Moreover, at this time, Senator Ensign was continuing to pursue the affair with Cindy Hampton.

1. Senator Ensign and John Lopez Assist Allegiant Airlines Based on Mr. Hampton's Lobbying

On July 7, 2008, Mr. Hampton emailed Mr. Lopez to set up a teleconference regarding Allegiant Airlines. The next day, Mr. Hampton and Mr. Lopez spoke at 11:30 a.m. EDT. Mr. Hampton explained to Mr. Lopez that DOT was investigating Allegiant "for the way it was displaying on [its] Web site its ancillary fees." Mr. Hampton explained to Mr. Lopez that DOT was seeking a settlement that "would give [Allegiant] a huge fine." After speaking with Mr. Hampton, Mr. Lopez called Simon Gros, an assistant secretary for governmental affairs at DOT, to discuss the matter in preparation for a meeting with Senator Ensign. Mr. Gros informed Mr. Lopez that DOT was very concerned by Allegiant's pricing scheme, insofar as it charged a fee for booking online above the price charged at the airport ticket counter.

In response to this teleconference with Mr. Gros, Mr. Lopez met with Senator Ensign and briefed him on the issue. Mr. Lopez made clear that he had learned of the issue from Mr. Hampton. Mr. Lopez explained that DOT took a dim view of Allegiant's pricing, and that this was not only the opinion of a civil servant, but of a political appointee. Mr. Lopez testified that Senator Ensign "became very animated and said 'no, no, no, you don't understand this. Clearly, this person [Gros] doesn't understand this issue.' *He seemed to know a lot more about the issue than I [Lopez] did at that point.*" Senator Ensign expressed a desire to call Secretary of Transportation Mary Peters about the issue, and Lopez concurred. Mr. Lopez noted that "[Senator Ensign] was very well versed on this issue, and that can only happen through a couple of ways...I assumed at the time it was a combination of him speaking with Maury Gallagher and also with Doug Hampton."

On July 8, 2008 at 12:27 p.m. EDT, Mr. Lopez informed Mr. Hampton that Senator Ensign intended to call Secretary Peters that afternoon. Mr. Lopez also explained that Senator Ensign had, by this time, spoken with Allegiant Airlines CEO Maury Gallagher. Three minutes later, Mr. Hampton responded, thanking Mr. Lopez for "making the call happen so quickly." That evening, Mr. Lopez, Ms. Jackson, and Ms. Roberts worked to schedule a teleconference between Senator Ensign and Secretary Peters; apparently, scheduling conflicts moved the call to the next day, July 9, 2008.

On the evening of July 8, 2008, Senator Ensign and Mr. Hampton spoke about the Allegiant Air issue by email. Senator Ensign inquired of Mr. Hampton's job prospects with

Newcom and P2SA (two companies that interviewed Mr. Hampton at Senator Ensign's recommendation); Mr. Hampton responded and stated:

Really appreciate you jumping on the call with [Gallagher]. This deal with getting Secretary Peters to back of [sic] Allegiant for a period is really important to their health, given the severe issues facing the industry. We are asking Peters to reschedule an expedited meeting called for this Friday until Allegiant [sic].

The next morning, July 9, 2008, Mr. Lopez emailed Mr. Hampton to confirm that Senator Ensign would be speaking with Secretary Peters at 3:00 p.m. EDT. Mr. Hampton responded:

Ok thank you. With that said will you make sure the Senator knows this from Allegiant.

[DOT's enforcement action] is unacceptable and completely wrong from [Allegiant's] perspective. Action (Consent Order) should not precede the meeting to discuss the issue. Allegiant firmly believes it is not acting deceitfully in it [sic] Web business and would like the time and proper form [sic] to table the issue.

If DOT preceded [sic] with order then Allegiant will not sign and retain legal counsel to fight issue and make this a public [sic] hoping it has the full support of the Senator. DOT moving forward is not acting in a fair manner with this issue from Allegiants [sic] perspective.

The hope would be that the Senator's discussion with the Secretary causes her to ask her organization to give this due process and cease on the order until proper meetings and discussion can prevail.

Again this industry and this airline are dealing with very significant issues at the moment and DOT should be sensitive and supportive. It is unreasonable (fast tracking) to demand a decision without due process.

Look forward to hearing from you after the call[.]

(emphasis added).

Mr. Lopez responded that he agreed and that he had attempted to book a flight on Allegiant's website, and had found the relevant convenience fee clearly marked and noticed.

At 3:00 p.m. EDT on July 9, 2008, Senator Ensign had a teleconference with Secretary Peters. According to Mr. Lopez, Senator Ensign did not need any additional briefing on the issue prior to the call, given his knowledge of the issue.

On the morning of July 10, 2008, Mr. Lopez emailed Mr. Hampton to set up a time to speak by phone. Mr. Lopez intended to set up a teleconference between enforcement officials at DOT and principals at Allegiant. Such a teleconference took place Friday, July 11, 2008, between Nick Lowry (DOT Office of Aviation Enforcement and Proceedings Senior Attorney), Mr. Gros, other DOT officials, and Messrs. Gallagher, Harrison, and Lopez. Mr. Lopez could not recall whether Mr. Hampton listened to the call, but recalled that he did not say anything. Mr. Lopez attempted to moderate the discussion, and mentioned that the proposed fine was, in his view, "a little onerous." Mr. Lopez cannot recall the dollar amount discussed. Mr. Lopez also requested certain documents referencing similarly situated airlines, on suspicion that this enforcement proceeding arose from complaints by Allegiant's competitors.

After the teleconference, Mr. Lowry emailed Allegiant's counsel Aaron Goerlich on July 15, 2008, and made an offer of settlement for the enforcement proceeding: Allegiant would need to change its web fare display (Mr. Lowry drafted and included proposed changes to the language and display), and would need to agree to a consent order including "substantial civil penalties," and further discussions with DOT regarding other aspects of Allegiant's advertising and pricing schemes. Mr. Goerlich forwarded the proposal to Messrs. Harrison and Gallagher. Mr. Harrison, in turn, forwarded Mr. Lowry's proposal to additional Allegiant personnel as well as Mr. Hampton. Mr. Harrison made clear that the proposal was not acceptable, and that Mr. Goerlich was drafting a letter to provide to Mr. Lopez "so he can meet with DOT General Counsel (who is the boss of DOT's Enforcement Head) and approach reconciliation from a "top / down" perspective." Mr. Harrison noted that the "plan would be for Lopez to meet with Gen Counsel either tomorrow or at the latest on Thursday – given the quick response deadline imposed by DOT Enforcement Office." Mr. Harrison's inclusion of Mr. Hampton on this email, as opposed to a direct email to Mr. Lopez, indicates that Mr. Harrison expected Mr. Hampton to liaison with Mr. Lopez regarding these action items.

Mr. Hampton made contact with Senator Ensign's office later that afternoon, by forwarding Mr. Harrison's email to Mr. Lopez, and noting that Mr. Lopez would have a letter the next morning. Mr. Lopez testified that the letter was something he had requested, as a "CYA letter" to show that the request for assistance came from Allegiant itself rather than Mr. Hampton directly:

if I was going to be helping Allegiant and [Hampton] was in the mix, that really, you know, it was an important constituent, but, you know, I really needed that letter, not just [Hampton's] word through e-mails that this was an issue... Because, again, [Hampton] was obviously doing stuff that was wrong, and I wanted to – I wanted to help Allegiant...to do that properly, and be able to say that yes, this airline company, not just Doug Hampton, but this airline company, they contacted us for help.

(emphasis added)

While Mr. Lopez at the time rationalized that he was just guiding Mr. Hampton and Allegiant to DOT, he testified:

[S]itting here today, it's painfully clear to me that that was – you know, we were being influenced to make a favorable outcome for Allegiant, there's no question.

(emphasis added)

On July 17, 2008, Mr. Lopez emailed Mr. Gros, expressed Allegiant's displeasure with the recent teleconference, and requested a second call between Mr. Lopez, Mr. Gros, and DOT General Counsel to discuss the issue. Mr. Lopez recognized that this was a "rare" level of intervention into executive branch business. Mr. Lopez did indeed have such a call, and wrote to Mr. Hampton at 2:26 p.m. EDT to report on the outcome:

Called [Gros] and jacked him up to high heaven. He repeated what we discussed earlier...that it was how this was being disclosed on website, not convenience fees. E-mailed him the take-it-or-leave-it e-mail from Nick Lowry and said this guy is a little tyrant. Will fill Ensign in this afternoon.

Mr. Lopez testified that this message was an "exaggeration" of his tone, "to let [Hampton] think that I had done more than I really did. Because I personally liked [Gros]. The conversation I had with [Gros] is that, you know, you basically have some bureaucrats running amok and you work for the Bush administration, and they're taking a very antibusiness position here."

Later that day, Mr. Hampton forwarded to Mr. Lopez Allegiant's counter-proposal for settlement, and stated "[w]ould sure like [Gros'] help in ensuring that their organization take a different road with Allegiant and back of [sic] timetable and any penalties or fines." Mr. Lopez responded to Messrs. Hampton, Gallagher, and Harrison, "I agree and told [Gros] that some folks nceded to be taken to the woodshed... [Gros] was pretty frantic when I got off the phone with him. Trust me that I know how much pressure to apply and when." Both Mr. Gallagher and Mr. Harrison responded, thanking Lopez for his help.

The next day, Mr. Lopez emailed Mr. Hampton and requested a teleconference on Monday, July 21, 2008, noting that he had "screamed himself hoarse with those imbeciles," and that he was "too mad right now." Mr. Hampton forwarded the email to Mr. Harrison and Mr. Gallagher, who agreed to hold a teleconference on Monday. According to Mr. Lopez, at this point, Mr. Hampton desired increasing involvement from Senator Ensign, and requested that Mr. Lopez have Senator Ensign call Secretary Peters again, as well as contact White House adviser Karl Rove and inform him of the issue. Mr. Lopez thought this was a "stupid" idea, and was in this email attempting to show Mr. Hampton that he was "doing what I could."

On July 29, 2008, Mr. Lopez emailed Mr. Hampton and explained that he had received the documents he originally requested from DOT "copies of every consent order relating to Internet advertising they have entered into with various airlines since 2001." On August 5, 2008, Mr. Lopez emailed Mr. Hampton regarding these materials: "there is so much stuff I will need to FedEx to you, *probably best to send to [Harrison's] attention*. Cool? Best address to FedEx?"

Mr. Lopez confirmed that he intended to send these documents to Mr. Harrison's attention to avoid having a communication with Mr. Hampton, "especially if it's with office funds."

Mr. Lopez recalled the issue began to disappear from his vantage point around the end of July 2008, and could not recall details of the resolution of the matter. Allegiant settled with DOT via consent order on September 15, 2008.¹⁴ The consent order included a fine of \$50,000, of which only \$10,000 was to be due and paid in cash; \$15,000 of the fine was offset for expenditures related to reprogramming the website to address the pricing issue, and the remaining \$25,000 would only be imposed if Allegiant violated the consent order. Mr. Lopez testified that he was keeping Senator Ensign informed throughout his involvement in the enforcement proceeding.

Throughout the summer of 2008, Mr. Hampton contacted Senator Ensign's office on a variety of legislative matters pertaining to Allegiant and other Nevada individuals. For example, on September 11 and 12, 2008, Mr. Hampton contacted Mr. Lopez regarding the clearance of international flights through customs at McCarran Airport. On November 6, 2008, Mr. Hampton emailed Mr. Lopez from his Allegiant email address regarding the expiration of certain tax cuts.

2. John Lopez Assists Mr. Hampton's Client Entravision

In June 2008, Mr. Hampton requested that Mr. Lopez provide him information on the DTV Border Fix Act, intended to provide relief to television stations on the Mexican border from a pending switch from analog to digital signal. On June 18, 2008, Mr. Lopez forwarded to Mr. Hampton a write-up on the Act prepared by Quinalty. Mr. Lopez, in that email, tried to provide additional sources of information on the bill, but promised "to let [Hampton] know if/when it is going to move." On June 19, 2008, Mr. Lopez forwarded an article from *Roll Call* discussing related telecommunications issues. Mr. Lopez updated Mr. Hampton on the Act's progress on July 15, July 22, and July 23, 2008, explaining that there were anonymous holds preventing the Act from being passed by unanimous consent. The Act passed with an amendment on August 1, 2008; on August 6, 2008, Mr. Lopez emailed Mr. Hampton to notify him of the Act's passage and the substance of the amendment.

At the time of these communications, Mr. Hampton had solicited and received a limited contract with Entravision, a Spanish-language media company, with respect to this issue. On July 23, 2008, Mr. Hampton emailed Senator Ensign:

Just wanted to make you aware I signed a short term deal with Entravision. Lopez has been most helpful. Don't need anything just thought I should let you know.

(emphasis added).

Mr. Hampton also worked with Entravision's counsel, Barry Friedman, with respect to the Act. Mr. Lopez testified that he had no conversations with Senator Ensign about Entravision or helping Mr. Hampton regarding the Act.

¹⁴ See *Allegiant Air, LLC*, Docket OST 2008-0031, Order 2008-9-18 (DOT Sept. 15, 2008).

3. Mr. Hampton Lobbies Senator Ensign's Office on Behalf of NV Energy

On November 10, 2008, Mr. Hampton emailed Mr. Lopez to discuss the Ely Energy Center Draft Environmental Impact Statement ("EIS"). Mr. Lopez testified that this was a legislative issue for Senator Ensign since 2006. NV Energy had proposed the construction of a coal-fired power plant on public lands in Nevada; the plant would be accompanied with corridors for carrying electricity, as well as a water pumping system to transfer water from White Pine County to Las Vegas. The next day, Mr. Hampton and Mr. Lopez spoke by phone; Mr. Hampton asked for Senator Ensign's assistance in urging the Department of Interior to publish the Draft EIS in the Federal Register in a timely fashion, because only a few months remained in the Bush presidency, and the Obama White House was likely to be far less favorable to a coal-fired power plant to which Senator Harry Reid was opposed. Mr. Lopez thought this call from Mr. Hampton was odd, because NV Energy had typically relied on lobbyist Marcus Faust as its advocate on federal issues.

Nevertheless, Mr. Lopez contacted Ms. Allmon and told her that Mr. Hampton had contacted the office regarding the Ely Energy Center; he requested that she develop a memo for Senator Ensign on the issue, which she submitted on November 13, 2008. Based on that memo, Senator Ensign, along with Congressman Dean Heller, sent a letter to Secretary of the Interior Dirk Kempthorne urging him "to approve publication of the Draft [EIS] for NV Energy's proposed Ely Energy Center."

On November 21, 2008, Mr. Lopez emailed Ms. Allmon and Mr. Chatwin; Mr. Lopez asked Ms. Allmon to call Mr. Hampton and "fill[] him in" regarding the EIS; and "make sure he gets letter and press release we sent." Ms. Allmon testified that she thought Mr. Lopez was fielding a random call from Mr. Hampton.¹⁵

The same day, NV Energy officials discussed Mr. Hampton's involvement; Tony Sanchez, NV Energy's Senior Vice President for Strategy, Policy, and External Affairs, wrote that NV Energy had requested Mr. Hampton "to see if [Senator Ensign] could 'soft sell' to Interior our getting the draft EIS asap with the outgoing administration." According to Mr. Sanchez, Mr. Hampton believed the draft EIS would be issued Monday, November 24, 2008, based on conversations between Mr. Hampton and Mr. Lopez. Starla Lacy, an NV Energy employee, wrote in response, "Top secret - Evidently Ensign and Heller sent a letter to interior - so much for a soft inquiry!" Based on these communications, NV Energy expected that Hampton would seek intervention by Senator Ensign on the issue, but did not expect that Senator Ensign would write a formal letter.

November 24 came and went without the issuance of a Draft EIS. On December 12, 2008, Mr. Hampton emailed Mr. Lopez, stating, "Hate to bring you back in the loop on this...certainly no fault of [Allmon's] but still no release on this request from DOI. Can you shed some light or hope that this is going to happen?" Mr. Lopez responded that he had "been pounding Interior and can't figure out why this hasn't come out."

¹⁵ Committee Staff, who conducted Allmon's deposition, expressed doubts regarding Ms. Allmon's credibility on this point to Special Counsel.

The same day, Ms. Allmon emailed Mr. Lopez and asked if she should reach out to Mr. Hampton regarding NV Energy. Mr. Lopez agreed. Four days later, December 16, 2008, Dick Bouts at Department of Interior emailed Ms. Allmon and Mr. Lopez to confirm that the Draft EIS would be published either that week or next, and attached a copy of the signed submission. Again, Ms. Allmon asked Mr. Lopez whether she should share this information with Mr. Hampton, and Lopez told her to do so. Ms. Allmon could offer no explanation for these communications.

Mr. Lopez testified that the issuance of the Draft EIS was "a major goal of the Senator's to get this done." Mr. Hampton's inquiries on this issue served as a reminder to Mr. Lopez that this was a priority. Mr. Lopez could not recall informing Senator Ensign of Hampton's involvement on this issue.

4. Mr. Hampton Requests Help in Developing Relationships Between Allegiant Airlines and Federal Officials

On August 15, 2008, Mr. Hampton accepted an offer of employment with Allegiant Airlines as Vice President of Government Affairs.

At some point in early 2009, according to Senator Ensign's journal entries, Mr. Hampton and Senator Ensign had a chance encounter with each other in a parking lot in Las Vegas and then had a subsequent telephone call. On January 22, 2009, likely after the meeting in the parking lot, Mr. Hampton emailed Lopez "regarding Allegiant and our desire to include [Gallagher] in as many discussions, round tables, and committee issues as possible as it relates to Aviation." Mr. Hampton made specific requests: (1) that Senator Ensign arrange a meeting between Secretary of Transportation Ray LaHood and Allegiant officials for introductory purposes; and (2) that Senator Ensign broker a similar meeting with the as-yet-unnamed FAA Administrator. Mr. Hampton stated:

I have discussed these [requests] with [Senator Ensign] and he is aware I am coming to you.

(emphasis added).

Mr. Lopez assumed at that time that Senator Ensign and Mr. Hampton were still on good terms, as he was still unaware of the affair.

In response to this email, Mr. Lopez told Senator Ensign "that [Gallagher] and [Hampton] and others in Allegiant were going to be coming out to Washington and that I thought it was -- I told him that I said to [Hampton] that I thought it was a good idea, you know, that -- you know, that he should do the meeting with LaHood." Mr. Lopez recalled that, after receiving the email from Hampton, that he was "comfortable going to the Senator on this." Senator Ensign placed a telephone call to Secretary LaHood on January 29, 2009 to request that he take a meeting with Allegiant officials; Secretary LaHood agreed.

After that call, on January 30, 2009, Mr. Lopez emailed Ms. Roberts to ask her to follow up on behalf of Senator Ensign with Secretary LaHood's office regarding a meeting between Gallagher and Secretary LaHood. Ms. Roberts had difficulty contacting Secretary LaHood's

office, but eventually confirmed a meeting for March 11, 2009. Mr. Lopez also contacted Bob Herbert, Senior Policy Advisor for Senator Reid, regarding a meeting between Senator Reid, Senator Durbin, and Mr. Gallagher when Mr. Gallagher would be in town to meet with Secretary LaHood. Mr. Lopez informed Mr. Hampton the next day that Mr. Herbert was working on arranging such a meeting. Finally, Mr. Lopez set up a lunch in the Senate Dining Room on March 11, 2009 with himself, Senator Ensign, and Messrs. Hampton, Gallagher, and Harrison.

While Mr. Lopez at the time rationalized that he was just guiding Mr. Hampton and Allegiant to DOT, he testified:

[S]itting here today, it's painfully clear to me that that was -- you know, we were being influenced to make a favorable outcome for Allegiant, there's no question.

(emphasis added)

Despite Mr. Hampton's statement to Mr. Lopez in January that he had spoken with Senator Ensign about Allegiant and raising its profile in Washington, a number of staffers testified that Senator Ensign expressed surprise when notified that Mr. Hampton would be accompanying him, Messrs. Lopez, Harrison and Gallagher to lunch on March 11, 2009. Senator Ensign also approached Lopez at this time and asked if Mr. Hampton had been lobbying other Senators. Mr. Lopez told Senator Ensign that he had heard that Mr. Hampton had visited Senator Thune's office. Senator Ensign "looked surprised," and Mr. Lopez testified that both he and Senator Ensign were surprised that Mr. Hampton was publicly lobbying other Senate offices. Mr. Lopez confirmed that Senator Ensign's surprise was limited to the fact that Hampton was lobbying other offices, not the fact that Mr. Hampton had lobbied Senator Ensign's own office.

Prior to the lunch, Messrs. Hampton, Gallagher, and Harrison arrived at Senator Ensign's office. Mr. Lopez asked Mr. Chatwin to escort the three men to the dining room, which he did via tram. At the lunch, Mr. Lopez sat between Senator Ensign and Hampton. Senator Ensign asked how Allegiant's meetings were going, and Mr. Harrison and Mr. Gallagher responded that the meeting with the Secretary had gone well. Senator Ensign discussed cycling, his new hobby, and asked for Mr. Gallagher to sponsor a cycling event in the Las Vegas area. Mr. Lopez recalled that Mr. Hampton was "silent" during the lunch. According to Senator Ensign's journal, he recalls having lunch with Mr. Hampton in the Senate Dining Room and that it "was a very nice time." Other attendees at the March 11, 2009 lunch had a distinctly different recollection of the tone of that lunch, namely, that Senator Ensign and Mr. Hampton were clearly not on good terms.

The next day, March 12, 2009, Messrs. Hampton, Gallagher, and Harrison attended a Welcome to Washington breakfast hosted by Senators Ensign and Reid in the Lyndon Baines Johnson room in the Capitol building.

From February through May 2009, Mr. Hampton contacted Mr. Lopez and other employees of Senator Ensign's office regarding a variety of other issues for Allegiant. On February 6, 2009, Mr. Chatwin forwarded an article on aviation to Mr. Hampton at the request of Mr. Lopez; when Mr. Hampton responded with a question about "card check" for unions,

Chatwin asked Lopez how to respond. Mr. Lopez promised that he would handle the matter, and emailed Mr. Hampton asking him to call regarding the "card check" issue. On February 18, 2009, Mr. Hampton emailed Mr. Lopez and thanked him for "all the help and good work you provide me." On March 25, 2009, Mr. Lopez and Mr. Hampton emailed regarding the Family and Medical Leave Act. On April 1, 2009, and April 21, 2009, Mr. Lopez, in response to Mr. Hampton's request, sent information to Mr. Hampton regarding restrictions on travel to Cuba. On April 22, 2009, in response to Mr. Hampton's request, Mr. Lopez sent information to Mr. Hampton regarding carbon monoxide regulations.

Mr. Hampton's one-year ban period concluded on May 1, 2009.

K. Mr. Hampton Hires a Lawyer and Raises Damage Claims; Senator Coburn Handles Negotiations with Senator Ensign

According to Mr. Hampton, by late Spring of 2009, he was "tired of living a lie." He was also concerned that he had lied to his current employer, Maury Gallagher. Mr. Hampton became concerned that his relationship with Senator Ensign was beginning to change, and he began to feel some distance between them.

Mr. Hampton sought legal counsel. He was referred to Las Vegas attorney Daniel Albregts. Mr. Albregts, a former Public Defender who primarily handled criminal matters but also handled some civil matters, met Mr. Hampton in April 2009. According to Mr. Albregts, Mr. Hampton came in and told a "jaw dropping" story, and asked him to be his counsel to determine whether he had a cause of action against Senator Ensign. Mr. Hampton was interested in securing enough money to relocate and start over.

Mr. Albregts did not know who to contact on Senator Ensign's behalf, so he called the Senator directly. After he introduced himself, there was a "pregnant pause." Senator Ensign "let out a sigh and said why did he have to get lawyers involved?" Senator Ensign said he would get back to Mr. Albregts, but did not do so.

Mr. Hampton then told Mr. Albregts that Senator Coburn was expecting his call to continue the negotiations. Senator Coburn told Mr. Hampton that he wanted to get involved with the issue. Mr. Albregts recalled that the communications he had with Senator Coburn occurred the week before Memorial Day 2009. Mr. Albregts understood that Senator Coburn was going to act as an intermediary between Senator Ensign and Mr. Hampton.

Mr. Albregts spoke with Senator Coburn on three occasions, all on May 22, 2009. Mr. Albregts first had a five-minute call with Senator Coburn. Senator Coburn said that "he wanted to help Doug out." Senator Coburn also stated that he liked Doug Hampton, felt bad about what happened, and he was glad that they retained counsel to resolve this issue. Senator Coburn told Mr. Albregts to have Mr. Hampton tell him what he thinks he needs to start over, and Senator Coburn would then take that to the Ensigns.

Mr. Albregts had an eight-minute call with Senator Coburn approximately an hour later. Senator Coburn recalled that he was on his tractor at his home mowing his lawn at the time, and was annoyed to receive the call in the middle of that task. Mr. Albregts tried to get a ballpark estimate from Senator Coburn as to the amount he would be comfortable with. Mr. Albregts

proposed \$8 million based on a document Doug Hampton prepared. According to Mr. Albregts, Senator Coburn said that the figure was "absolutely ridiculous." Senator Coburn then stated that the Ensigns should buy the Hamptons' home because it is so close to the Ensigns, and the Hamptons should receive an amount of money above and beyond that to start over, buy a new home, have some living money while they were looking for new employment, and possibly some seed money to send the children off to college. Senator Coburn stated that *"that's what I've thought from day one would be fair,"* but said that \$8 million was nowhere close to a reasonable figure. Senator Coburn told Mr. Albregts to figure out what those amounts would be, and call him back.

Mr. Albregts then spoke with Mr. Hampton, and asked him how much it would cost to get the house paid for, and how much he needed above that figure to get started somewhere new. Mr. Hampton then came back with some figures, and estimated \$1.2 million for the home, and another \$1.6 million to get started somewhere new. Mr. Albregts called Senator Coburn back for the final time with this revised figure on the same day in a five-minute call. Per Mr. Albregts, Senator Coburn responded by stating that "okay, that's what I had in mind and I think is fair" and said he would take the figure to the Ensigns. Mr. Albregts later heard from Mr. Hampton that Senator Ensign refused the revised offer.

Senator Coburn testified that he told Mr. Hampton's attorney, Mr. Albregts, in May 2009 that he was not "the negotiator," and "it's got to be something apropos." Senator Coburn also testified that he did not propose any resolution, but was simply going to pass information to Senator Ensign. Mr. Albregts testified that Senator Coburn took an active role in the negotiations between Mr. Hampton and Senator Ensign, and this role included proposing specific resolutions.

L. Senator Ensign Discloses the Affair to His Staff and the Public in June 2009

1. The Senator Speaks of "Making the Hamptons Whole"

After Senator Ensign refused the revised settlement offer, Mr. Hampton decided to take the matter to the media. Mr. Hampton wrote a letter to Megyn Kelly at Fox News on June 11, 2009 in which he disclosed the affair and sought a meeting with the television station. On June 15, 2009, Mr. Hampton forwarded a copy of the letter in an email to former Senator Rick Santorum, and asked Senator Santorum for help with the matter. Senator Santorum forwarded Mr. Hampton's email and the letter to Senator Ensign at his Gmail address that evening at approximately 10:20 p.m.

Senator Ensign immediately called an emergency staff meeting in the late evening of June 15, 2009 that lasted until approximately 3:00 a.m. on June 16, 2009. During that staff meeting, Senator Ensign disclosed the affair, and also disclosed that he had made a severance payment to the Hamptons. Senator Ensign stated that he would be making a public statement the next day in Las Vegas regarding the affair.

Several staff members who attended the meeting recalled the use of the term severance or the concept of severance. Senator Ensign's now former Communications Director Rebecca Fisher testified that Senator Ensign "said that he tried to -- he wanted to make [Hampton] whole,

that he had calculated three months of pay for [Hampton] and then three months of pay for [Ms. Hampton] and had gotten a total, and then he'd also taken into account what health insurance would cost for the family, and that he had given them money to cover that." Ms. Fisher also recalled that Senator Ensign stated that the payment was an effort to "make them whole," and that he was "trying to be fair ... trying to make sure they were taken care of after [Hampton] left the office." Ms. Fisher recalled that Senator Ensign wanted to focus on the payment and the recent demands by Hampton, but Ms. Fisher believed that the media would focus as much attention to the severance payment made to the Hamptons as the affair itself.

Senator Ensign's now former Legislative Director stated that during the staff meeting, Senator Ensign referred to the payment to the Hamptons as severance, and the payment included COBRA payments. Specifically, "[h]e [Senator Ensign] said he paid severance to the Hamptons, and he talked about a number of different things it included, including enough money for COBRA benefits." Senator Ensign later told his Legislative Director during an individual meeting that he made the payment to the Hamptons because he still loved Ms. Hampton and wanted her and her family to be taken care of.

Senator Ensign's then current Deputy Chief of Staff recalled that during the staff meeting, Senator Ensign stated that he gave the Hamptons "money out of his own pocket for a few months - he said for a few months to cover his salary and COBRA payments."

Additionally, in an email written from John Lopez to Senator Ensign the day after the public statement of the affair, Mr. Lopez stated that the Senator should speak with his attorneys before "we start answering questions about "severance" [quotes in original]" and other items so you don't put yourself in a bad position.

In addition to staff testimony regarding Senator Ensign's description of the payment during the June 15, 2009 staff meeting, other witnesses provided testimony regarding the severance payment. One of Senator Ensign's long-standing spiritual advisors spoke with Senator Ensign about the payment to the Hamptons, and Senator Ensign stated "I'm going to give him as much severance as possible." Additionally, Mr. Slanker heard about the severance from Senator Ensign, Darlene Ensign, and Mr. Hampton. Mr. Slanker recalled that Senator Ensign stated that "we gave Cindy \$100,000 severance to help them."

2. Senator Ensign Makes Journal Entries Describing the Payment to the Hamptons

Senator Ensign maintained an electronic journal, which was made available to Special Counsel and Committee Staff. One of the Senator's journal entries described the lead-up to the June 16, 2009 public statement, including the affair and the severance payment made to the Hamptons. Senator Ensign's journal, entitled "June Journal 2009," explained that following the discovery of the affair, the Senator wanted to help the Hampton family as they transitioned to a new life. The Senator wrote about a discussion he had with his father about the payment:

June 5-20 Public Confession

Last year I had [sic] affair with Cindy. It lasted on and off from December of 2007 till early around the first week in August 2008.

Doug or Darlene had caught us several times and finally all agreed that Doug and Cindy would have to leave my employ....

I did not want the government to have to pay any severance pay or the campaign. So I was going to help them transition into their new life. I went to my dad and he said he would rather give them some money as a gift to help them out. He had Bruce write the check for about 100k.

3. Senator Ensign Makes Draft Public Statements Referring to a "Severance" Payment

Senator Ensign prepared drafts of his public statement on June 16, 2009. Senator Ensign prepared the initial draft of the public statement on an airplane from Washington, D.C. to Las Vegas and attempted to email the draft to Mr. Mazzola, Senator Ensign's former communications director. Mr. Mazzola did not receive the draft statement due to technical difficulties, and the Senator and Mr. Mazzola later re-wrote the statement. A copy of the Senator's initial draft statement, thought to be deleted, was later recovered.

In the first version of the draft statement, written by Senator Ensign and dated June 16, 2009 at 7:57 a.m., Senator Ensign wrote that he paid "severance" to Doug and Cynthia Hampton following the affair and the "unsustainable work atmosphere" that had developed as a result. Significantly, Senator Ensign sent the draft to Mr. Mazzola with a direction to "send this only on gmail to others for comments." This direction was consistent with Senator Ensign's policy to send emails to staff on Gmail so the documents would not be transmitted through Senate servers.

In this draft, the Senator explained that the payment was to help in the Hamptons' transition after leaving the Senator's employment:

Because of the affair, an unsustainable work atmosphere had developed and it became apparent they could no longer work for me. To help them transition to new work, *we gave them what was the equivalent of 6 months severance pay and 1 year of health insurance expense*—personally, not out of campaign or official accounts."

(emphasis added).

A second draft prepared by Senator Ensign, dated June 16, 2009 at 1:18 p.m., similarly referred to the payment of "6 months severance pay and 1 year of health insurance expense." In both of the Senator's versions, he wrote that the payments were made "personally" and not out of campaign or official accounts. Neither draft statement mentioned Michael or Sharon Ensign or the Ensign Family Trust; nor did the statements mention that the Hamptons' children were also payees.

Mr. Mazzola forwarded the draft to key Ensign staff members, including John Lopez, Rebecca Fisher, Sari Mann, Pam Thiessen, and Jason Mulvihill, via email at 2:22 p.m. on

June 16, 2009. This version of the draft statement also described the 2008 payment as "severance":

Last year, my wife and I decided to give what would be the equivalent of six months severance to each of them out of our personal funds. Let me be clear: These were strictly personal funds. This was to get them transitioned into new work.

This draft stated that Senator Ensign and his wife made the payment. As in the earlier, deleted draft statements, the draft did not mention the involvement of the Senator's parents.

4. **Based on Advice from Senator Ensign's Attorney, His Staff Removes All References to Payments in the Final Public Statement**

Senator Ensign's staff worked to revise the draft statement. About one hour before the Senator's planned press conference, Ms. Fisher conferred with attorney Chris Gober, counsel to Senator Ensign and his campaign, regarding the draft statement. Mr. Gober advised the Senator to remove all references to the payment of severance. Mr. Gober further emailed his concerns to Ms. Fisher, explaining that:

[t]he statement, as currently written, raises a host of potential criminal issues for the Senator. The language draws a direct connection between the affair, the termination of the staffers, and the "severance payment." Although the statement attempts to legitimize the reason for the payment, it's awfully odd that he made the payments from personal funds....*If this statement doesn't get the attention of the U.S. Attorney's Office, then nothing will.*

(emphasis added).

This document was withheld as privileged by Senator Ensign's attorney for over eighteen months on the basis of an unsubstantiated claim of attorney-client privilege. The email was sent to a shared Gmail address for Senator Ensign's then Communications Director and her husband, not to Senator Ensign. Senator Ensign did not abandon his claim of privilege until February 2011 after receiving a letter from the Committee challenging his claims of privilege. Ms. Fisher contacted the Senator by phone to inform him of Mr. Gober's concerns. Ms. Fisher understood that Senator Ensign had already spoken with Mr. Gober, disagreed with his counsel, and wanted to proceed with the reference to money. As a result of Mr. Gober's advice, Ms. Fisher removed all references to the exchange of money in the draft statement, and forwarded the revised draft to the Senator with copies to his staff. Unlike the earlier drafts, the revised statement made no reference to any payments made to the Hamptons or to Senator Ensign's desire to help transition the Hamptons into new work.

The final statement delivered to the press similarly omitted the reference to the severance payment made to the Hampton family.

5. Mr. Hampton Reveals in Public That the Senator Made Payments to the Hamptons

After the public disclosure of the affair, Mr. Hampton was interviewed by Jon Ralston, a local journalist in Las Vegas. The interview was televised.¹⁶ In the interview, Mr. Hampton stated that his wife received more than \$25,000 from Senator Ensign when she left his employment. This statement stimulated the media's inquiries into the specifics of the payment.

The Senator first publicly acknowledged that the Hamptons received a payment of \$96,000 in a July 9, 2009 public statement released by his attorney, Paul Coggins.¹⁷ Although the Senator acknowledged that a payment had been made to the Hampton family, for the first time the statement described the payment as a "gift" from the Senator's parents to the Hampton family, as opposed to a severance payment made by the Senator and his wife. The statement further stated that the payment to the Hamptons was consistent with a "pattern of generosity by the Ensign family to the Hamptons and others."

Statement on behalf of Sen. John Ensign:

In April 2008, Senator John Ensign's parents each made gifts to Doug Hampton, Cindy Hampton, and two of their children in the form of a check totaling \$96,000. Each gift was limited to \$12,000. The payments were made as gifts, accepted as gifts and complied with tax rules governing gifts.

After the Senator told his parents about the affair, his parents decided to make the gifts out of concern for the well-being of long-time family friends during a difficult time. The gifts are consistent with a pattern of generosity by the Ensign family to the Hamptons and others.

None of the gifts came from campaign or official funds nor were they related to any campaign or official duties. Senator Ensign has complied with all applicable laws and Senate ethics rules.

Paul Coggins
Fish & Richardson P.C.
Counsel for Senator John Ensign

This statement made on behalf of the Senator gives the misleading impression that the senior Ensigns considered the Hamptons to be "long-time family friends," that the gifts were motivated by the senior Ensigns' "concern for the well-being of [these so-called] long time friends," and that the gifts were "consistent with a pattern of generosity by the Ensign family to

¹⁶ See Transcript of Jon Ralston's interview with Doug Hampton, <http://www.lasvegassun.com/news/2009/jul/08/transcript-jon-ralstons-interview-doug-hampton> (last visited April 25, 2011).

¹⁷ See New York Times, *Senator's Parents Gave Mistress Thousands*, July 10, 2009.

the Hamptons." First, as described herein, it was no secret that Michael Ensign did not have a high regard or affection for Doug Hampton from his first encounter with him years earlier. Second, the payment had all the indicia of a generous, if illegal, severance payment made in an effort to pacify and calm the anxious Hamptons, whom Senator Ensign had just terminated from their well-paying jobs with him.

6. Michael Ensign, Sharon Ensign, and Senator Ensign Submit Affidavits to the FEC Regarding the Payment

With the \$96,000 payment a matter of public record, as noted above, CREW filed a complaint on June 24, 2009 with the Federal Election Commission, asserting that the payment amounted to an illegal campaign contribution. Mr. Gober prepared affidavits for the signature of the Senator and both of the senior Ensigs and submitted them to the FEC. According to Michael and Sharon Ensign's substantially similar August 11, 2009 affidavits to the FEC, after Senator Ensign informed them of the affair with Ms. Hampton, and unprompted by Senator Ensign or anyone else, the parents "decided to make gifts to the Hampton family out of concern for the well-being of long-time family friends." Senator Ensign's August 11, 2009 affidavit made a similar claim that he "did not request that his parents make the gifts to the Hamptons," and that, instead, he learned of their gifts when they "informed [the Senator] that they made gifts, totaling \$96,000" to the Hampton family.

When pressed by the Special Counsel about whether his son had requested him to make the payment, Michael Ensign stated, however, that Senator Ensign "may have mentioned" the Senator's need to compensate the Hamptons.

The Ensigs stated to the FEC that they independently determined that they would make a payment to the Hamptons of approximately \$100,000, but reduced the payment to \$96,000 in order to comply with applicable gift tax laws. Michael Ensign instructed his Chief Financial Officer, Bruce Hampton, to prepare and sign a check for \$96,000, dated April 7, 2008, to Doug, Cynthia, Brandon, and Blake Hampton out of the Ensign Family Trust account.

The affidavits of Michael and Sharon Ensign explained that they had made "sizeable gifts to the Hampton family" over the 20 year friendship with the Senator. Specifically, the senior Ensigs stated that they "paid for the Hampton family to vacation in Hawaii" which, in addition to the flights on a private jet, included "a rental home with its own private 9-hole golf course, food, and recreational activities. Although I have not undertaken an accounting of the total cost of the trip, I believe the cost that could be allocated to the Hamptons was at least \$30,000."

Both of the senior Ensigs acknowledged under questioning by the Special Counsel that they did not carefully review the affidavits before signing them and that the affidavits had been prepared by the Senator's counsel after a short telephone call with Michael Ensign. The lawyer did not speak with Sharon Ensign before preparing her affidavit.

The FEC General Counsel urged the Commission in a report dated March 31, 2010 that the FEC find reason to believe that the \$96,000 was, in fact, an excessive campaign contribution,

and recommended an investigation into this matter. The FEC rejected the General Counsel's recommendation by a 5 to 0 vote on November 19, 2010.¹⁸

a. **There Was No Evidence Supporting the Assertion in the FEC Affidavits That the Senior Ensigns Paid for the Hamptons' Trip to Hawaii**

The "Ensign Family Sample Itinerary" details the arrival of the 16 individuals who attended the trip: the Ensign family, the Hampton family, members of Senator Ensign's brother Bill's family, and the Ensign family nanny. The various activities that were planned such as dinner at Spago's, a spa treatment, golf, the Maui Aquarium, scuba diving, whale watching, snorkeling, a luau, and other planned meals. Additionally, the Committee has a copy of Senator Ensign's journal entry regarding the Hawaii trip. The journal entry details some of the activities from the trip, but does not state that Michael Ensign paid for the trip.

According to the evidence, the families used a travel service called "Pure Maui," a company that provides luxury lodging and entertainment services to persons vacationing in Maui.¹⁹ The Committee does not have evidence as to the exact cost of the private homes the Ensign and the Hampton families stayed in or who paid for them. According to Senator Ensign's journal, his immediate family stayed in a private home at no cost, and his brother's family stayed with the Hamptons in a separate home that was rented. Senator Ensign's journal for the time period states that he and his family stayed at the residence of Joe and Gail Mitchell. No evidence has been presented that Senator Ensign disclosed this gift of lodging with the Senate Ethics Committee.

With respect to expenses, an invoice from Pure Maui details approximately \$9,262.00 in costs from the trip, including golf, a private boat charter and a private chef. The invoice states: "Bill to: John Ensign." The invoice, along with a second Pure Maui invoice for \$23,898.20, presumably for lodging expenses, and numerous other vacation charges totaling approximately \$10,374, was charged to a MasterCard that is believed to be Senator Ensign's. The total approximate cost of the trip for all 16 people to attend was \$43,534. The evidence suggests, however, that the focus of the Hawaii trip was not the Hamptons – they were incidental guests that attended this trip and added no real significant cost to the travel or housing expense.

The affidavits of the senior Ensigns and of Senator Ensign appear to be misleading and potentially false on the central issue of the FEC investigation – the nature of the \$96,000 payment from the senior Ensigns to the Hamptons and the purported "pattern of generosity" from the senior Ensigns to the Hamptons. The senior Ensigns' affidavits also appear to be false on their estimation that the value of the trip to the Hamptons was *at least* \$30,000, because, as noted

¹⁸ Eric Lichtblau, *F.E.C. Rejected Counsel With Its Vote on Senator*, New York Times, December 20, 2010.

¹⁹ Pure Maui currently advertises that "Hawaii's most luxurious vacation experience [i.e., Pure Kauai] is now available on Maui." "Fabulous private homes. Gourmet chefs. The island's best adventures and spa services. And personalized attention that raises the standard for luxury travel..." See www.puremaui.com.

above, the entire trip for 16 people cost approximately \$43,534, so the Hamptons' share of the expenses in Hawaii would have been less than \$14,000.

According to Michael Ensign, he allowed Senator Ensign to use the family airplane for the trip, a Gulfstream IV that is used entirely and frequently for personal Ensign family travel. Mr. Ensign was absolutely certain, however, that he did not pay for any housing accommodations, food or activities on the trip for his own adult children and his grandchildren, let alone for the Hamptons. Mr. Ensign disavowed his FEC affidavit during the deposition, stating "that's absolutely false." Specifically, Mr. Ensign stated that "Well, this payment for these things in Hawaii, that's absolutely false. *We never paid for anything.* We let them use the airplane, that's it And I absolutely did not pay anything in Hawaii, talking about a home and a golf course and food. No, none of that, paid nothing."

Senator Ensign's mother testified that she did not recall paying for any expenses related to the Hawaii trip, and testified that any payment for the Hawaii trip would have come from the Ensign Family Trust Fund. Additionally, Senator Ensign's mother also did not recall giving Senator Ensign funds from accounts other than the Ensign Family Trust Fund. The Committee recently received information from Senator Ensign's mother, in the form of the scan of two checks with no written explanation, which appears to reflect that she may have deposited approximately \$50,000 into Senator Ensign's bank or credit card account around the time of this post-election, 2006 Hawaii holiday trip that her two sons took. This deposit, which was made out to Citibank, was also made around the time that Senator Ensign was charging trip expenses in Hawaii to his credit card. The Committee received no testimony from Mrs. Ensign or anyone to the effect that this giving of money to her son was unusual, extraordinary, or timed to reimburse him specifically for the Hampton expenses on the Hawaii trip. Additionally, Senator Ensign's brother's family occupied the home in Hawaii in which the Hamptons stayed, arguably making any added housing cost for the Hamptons' presence to be non-existent or negligible. Finally, based on the cost figures noted above, the \$30,000 estimation of the value of the trip to the Hamptons appears to be overstated.

The inconsistency between the facts and the FEC affidavit requires, the Special Counsel submits, further investigation by the Department of Justice and the FEC.

b. Michael and Sharon Ensign's Payment to the Hamptons Greatly Exceeds Other Gifts Given to Non-Ensign Family Members

Michael and Sharon Ensign's financial generosity towards their family, close friends and employees is extraordinary. Michael and Sharon Ensign made regular disbursements to their children and grandchildren from the Ensign Family Trust. For example, Senator Ensign and Darlene Ensign received a significant annual gift from Michael and Sharon Ensign, including \$300,000 in 2006, \$400,000 in 2007, and \$300,000 in 2008, 2009, and 2010.

The senior Ensigns also made disbursements to extended family members, to close friends of the senior Ensigns, and to the senior Ensigns' employees and the families of their employees. The gifts to the Ensign friends are typically made on an annual basis, and are usually disbursed during the holiday season. The Ensigns have demonstrated a particular loyalty to their

long-standing friends, with annual gifts to Michael Ensign's family doctor and members of his family, and to his retired priest. The gifts reviewed by the Committee in this matter do not, however, demonstrate a "patter of giving" to the Hamptons.

The total amount of gifts given by the senior Ensigns in 2010 was \$1,504,000. As of April 1, 2011, \$87,500 has been distributed to Ensign family members.

In 2009, Michael and Sharon Ensign made gifts in varying amounts, from \$5,000 to \$52,000, to a number of close personal friends. The total amount of gifts given by the senior Ensigns in 2009 was \$1,464,000.

In 2008, Michael and Sharon Ensign made a number of gifts to non-relatives, including the payment to the Hamptons. The payment in 2008 is the only payment to the Hamptons. The total amount of gifts given by the senior Ensigns in 2008 was \$1,576,339. The only non-family member who received a payment similar in size to the Hampton payment in 2008 was a former daughter-in-law that Michael Ensign stated was still considered to be a member of the family. Aside from that payment, the Hamptons' payment is double the next highest payment, which was made to the Ensigns' long-standing family doctor and friend.

M. The Senator's Chief of Staff Misleads the Public Regarding Senator Ensign's Actions and Mr. Hampton's Lobbying Efforts

As discussed above, the affair became public on June 16, 2009. After the affair became public, members of the press and public began to inquire as to the nature of the relationship between Mr. Hampton and Senator Ensign and his staff during Mr. Hampton's one-year ban period.²⁰ Senator Ensign's staff responded to these inquiries with misleading explanations. For example, Mr. Lopez told the New York Times that Senator Ensign had designated him to be the office's intermediary with Hampton "to ensure that the contacts complied with the law." Mr. Lopez later testified in his deposition by the Special Counsel that this was not true:

Q: So why did you tell the New York Times reporter that?

A: To -- you know, to paint the best picture of the Senator on this. Keep in mind, I was still drinking the Kool-Aid at that point. And I mean, that -- what I said was a mischaracterization of my -- of the conversation I really had with the Senator, was adding in that stuff about complying with the law and so forth.

Mr. Lopez also told the New York Times that "his conversations with Mr. Hampton were simply 'informational,'" and the article quoted him as saying, "Did [Hampton] advocate and try to lobby in a couple of instances? Absolutely. But that's his problem." Mr. Lopez testified to Special Counsel that this was not a fair statement.

²⁰ See, e.g., Eric Lipton and Eric Lichtblau, *Senator's Aid After Affair Raises Flags Over Ethics*, New York Times at A1 (Oct. 1, 2009).

Similarly, Mr. Lopez told a reporter for Politico that he was required "to make sure that Hampton wasn't breaking the law by lobbying Ensign within one year of leaving his staff." Mr. Lopez testified that "what happened was not as -- it wasn't this way," and that in reality, he was trying to "paint it in the best light for the Senator." Mr. Lopez noted that any statement that Senator Ensign never directed Mr. Lopez to fulfill requests from Mr. Hampton would be untrue, "because when I said that I will deal with [Hampton] and handle his requests, [Senator Ensign] agreed to it readily. He just didn't want to know about the rest of the details." Mr. Lopez explained that he was asked to deal with Mr. Hampton "because I was willing to do it, and the Senator knew that I would do it for him ... and he didn't want to know the details of what that meant." Mr. Lopez confirmed that both he and Senator Ensign knew that Mr. Hampton would be working on behalf of clients in seeking to influence the Senate office in violation of the one-year ban:

I don't think there's any reasonable way you could think otherwise, so yes.

III. SUMMARY OF PRELIMINARY INQUIRY INVESTIGATION

A. The Request for Investigation of Senator Ensign

On June 16, 2009, Senator Ensign held a public press conference in which he admitted he had an extramarital affair with a member of his staff, later identified as Ms. Hampton. On June 24, 2009, the Committee received a "Request for Investigation of Senator John Ensign" from CREW. The request alleged that Senator Ensign's conduct with Cynthia Hampton constituted employment discrimination on the basis of sex in the form of sexual harassment, and referred to a press report in which an anonymous source stated that the Senator had made a severance payment to Ms. Hampton. On July 21, 2009, Senator Ensign, through counsel, responded to CREW's June 24, 2009 submission, and requested that the Committee dismiss CREW's request for an investigation.

On October 6, 2009, CREW submitted a supplemental letter to the Committee outlining additional information that CREW believed relevant to an investigation of Senator Ensign.²¹ That submission raised additional questions regarding Senator Ensign's conduct, including with respect to potential post-employment lobbying ban violations by Doug Hampton, and issues related to apparent payments to the Hamptons. It also requested an investigation into Senator Coburn's role with respect to the settlement negotiations between Senator Ensign and Mr. Hampton.

B. The Preliminary Inquiry

The Committee authorized a Preliminary Inquiry and sent a letter to Senator Ensign's counsel on October 21, 2009 asking the Senator to respond to specific questions and detailed

²¹ That information was derived primarily from a New York Times article regarding Senator Ensign published on or about October 2, 2009.

requests for information related to numerous issues relevant to the Preliminary Inquiry. The Committee also directed the Senator in writing to "preserve and prevent the destruction of any documents or electronic media that may contain any information which is in any way relevant to any of the . . . questions or matters mentioned therein until further notice of the Committee."

Senator Ensign, through counsel, provided an initial response to the Committee's specific questions and requests for information on November 20, 2009. This response also addressed CREW's October 6 Letter. Senator Ensign, through counsel, also made an additional submission on December 16, 2009, and responded thereafter to a number of supplemental requests of the Committee staff.

1. Initial Document Productions, Witness Interviews, and Depositions

During the course of the 22 month investigation, Committee staff, later joined by Special Counsel, conducted 72 witness interviews and depositions, including members of Senator Ensign's current and former staff and numerous third parties and reviewed over a half million documents received from numerous sources, including Senator Ensign and his staff.

Under procedures agreed to by the Senator and the Committee, images of the desktop computers, laptop computers, and BlackBerries associated with the Senator and his office were created and maintained by the Sergeant at Arms ("SAA") in January 2010. In April 2010, the Senator disclosed that he had a home desktop computer, which had not been previously disclosed to the Committee, and images were made of that device as well. The Senator submitted an affidavit in May 2010, explaining that he "simply did not think of this computer" in connection with the earlier imaging because he used it only infrequently for work.

After lengthy negotiations with the Senator's counsel over how these electronic documents were to be searched, productions of several hundred thousand electronic documents were made in August 2010. Production of documents from these sources continued until February 2011.²² Electronic documents received from Senator Ensign and his Senate staff were loaded into a database for review by Committee Staff. These 498,592 documents consisted of emails, calendar entries, and native documents.

The Committee staff also moved forward to obtain information from numerous third parties, including persons and companies Senator Ensign contacted in his efforts to assist Mr. Hampton in finding employment, companies for whom Mr. Hampton worked and other Senate offices that had been contacted by Mr. Hampton during his lobbying ban period, (*i.e.*, National NRSC, Republican Policy Committee and individual Senate offices). Staff also received documents from Senator Coburn. The Committee staff interviewed 40 witnesses, including the Hamptons, and then conducted a first round of 16 depositions that concluded on July 6, 2010. These witnesses included current and former Ensign Senate staff. Committee staff thereafter interviewed several additional witnesses, including three DOT officials involved in contact with

²² The Committee hired an outside vendor, CACI, to assist in processing and reviewing the electronic document production. CACI subsequently assisted both the Committee Staff and Special Counsel during the Preliminary Inquiry.

Senator Ensign's office as to matters on which Mr. Hampton was working. Committee staff also reviewed over 32,000 pages of materials produced by 32 different sources in hard copy.

As the document review continued to proceed in earnest through the Fall of 2010, Committee staff determined that a second round of depositions would be necessary. The planned depositions were complicated, however, by a parallel criminal investigation by the Public Integrity Section of the Justice Department. Five witnesses asserted or threatened to assert their Fifth Amendment rights in light of the parallel Justice Department investigation. Committee staff obtained immunity orders for certain witnesses, who were deposed in December 2010 and January 2011.²³ Depositions of other witnesses were postponed while Committee staff determined what accommodations might be made to account for the Justice Department's concerns.

2. Retention of Special Counsel to Assist with Preliminary Inquiry

At this stage, the Committee and its staff concluded that the assistance of a Special Counsel would materially advance the Preliminary Inquiry. On January 31, 2011, the Committee voted unanimously to retain as Special Counsel Carol Elder Bruce and her law firm K&L Gates LLP to assist in conducting the Preliminary Inquiry and to assist the Committee staff in making the required report of findings and recommendations upon completion of the inquiry.

Special Counsel immediately began to undertake the remaining work necessary to bring the Preliminary Inquiry to completion. Special Counsel reviewed the sets of key documents compiled by the Committee staff along with the deposition transcripts, exhibits and interview memoranda, and information from these sources was added to an initial chronology of events that had been started by Committee staff. Independent searches of the data sources were conducted by the Special Counsel's staff to supplement the previous work by SSCE and prepare for upcoming depositions.

a. Additional Document Production and Forensic Imaging

Special Counsel and Committee staff jointly concluded there was evidence of potential deletion of relevant materials, unexplained gaps in production, and serious factual and legal insufficiencies in the privilege logs Senator Ensign's counsel submitted. The Committee consequently sent letters to Senator Ensign's counsel in late February 2011 to address its concerns and to request that Senator Ensign permit the forensic imaging of devices in the possession of the SAA which might provide key information contained in the metadata and fill in possible gaps chronologically.

On March 4, 2011, counsel for Senator Ensign produced 265 documents that he had determined should have been produced on September 20, 2010, but had not been due to an error by Senator Ensign's private e-discovery vendor. Less than a week later, the Senator's counsel

²³ Committee staff undertook several other depositions at this time as well, including the Senator's press secretary and several staffers for other Senators who had been contacted by Mr. Hampton. In all, eight additional depositions were taken between November 2010 and January 2011.

produced another 760 documents, previously withheld as privileged, in response to the Committee's February 23, 2011 letter challenging prior assertions of privilege.

Special Counsel and Committee staff also obtained forensic images of Senator Ensign's two laptops and BlackBerry device and John Lopez's work laptop from the SAA. A total of 939 documents were segregated as potentially privileged and reviewed by a team of K&L Gates attorneys assisting Special Counsel. As a result, 73 documents were determined to be potentially privileged and copies of those materials were provided to Senator Ensign's counsel. A total of 49,821 documents were subsequently reviewed for relevance.

The Committee and Special Counsel also made additional efforts to identify any materials that had been deleted from the devices and potentially missed by the initial collection efforts. CACI was able to retrieve 6,268 records that had previously been deleted from the devices and retained in the unallocated space on the hard drives. Although initially it was believed that actual deletion dates of documents on Senator Ensign's computer could be obtained, CACI determined that such information could not be obtained.

Special Counsel and Committee staff also obtained other materials from John Lopez. Counsel for Mr. Lopez informed Special Counsel and SSCE that a .pst file containing emails from the time of Mr. Lopez's employment with Senator Ensign had been uploaded to his current employer's server. Four hundred and twenty-nine (429) emails were subsequently produced from this source. Mr. Lopez's counsel also informed SSCE and Special Counsel that Mr. Lopez also had a personal laptop that he utilized during his tenure as Chief of Staff for Senator Ensign that contained materials relevant to the investigation. A forensic image of this laptop was made and 1,643 emails were uploaded to the database for review.

b. Additional Depositions and Immunized Testimony

With the Committee's explicit permission and direction, Special Counsel and Committee staff worked with Senate Legal Counsel to apply for immunity for Mr. Lopez and Mr. Hampton. Special Counsel and the Committee's Chief Counsel then met with the Chief of the Public Integrity Section to impress upon him the Committee's significant interest in having all of the information necessary to fully evaluate the conduct of a sitting Senator. The Department dropped its opposition to an immunity order for Mr. Lopez, and Special Counsel proceeded to depose him under a grant of immunity. The Department indicted Mr. Hampton for alleged violations of 18 U.S.C. § 207(e)(2) on March 24, 2011.²⁴

As a consequence of that indictment, Mr. Hampton could not be deposed for the Preliminary Inquiry. However, Special Counsel did undertake the deposition of Mr. Lopez and of Yorick Jurani, Senator Ensign's Information Systems Manager, under grants of immunity. Special Counsel also deposed eight other witnesses in the final round of Preliminary Inquiry depositions. The round of depositions was intended to conclude with the deposition of Senator Ensign on May 4 and 5, 2011.

²⁴ See *United States v. Hampton*, Case No. 1:11-cr-00085 (D.D.C. Mar. 24, 2011).

Special Counsel also undertook an independent assessment of the substantial investigative record and of the applicable law in order to make the findings and recommendations contained in this Report.

C. The Retirement and Resignation of Senator Ensign

On March 7, 2011, Senator Ensign announced he would not seek re-election in 2012. On April 21, 2011, while the Preliminary Inquiry remained ongoing, Senator Ensign announced he would resign as the 24th Senator from the State of Nevada, effective May 3, 2011. That effective date was prior to the previously scheduled deposition dates for the Senator, during which Special Counsel had intended to elicit extensive testimony on matters relevant to the Preliminary Inquiry.

IV. FINDINGS OF THE SPECIAL COUNSEL

A. There Is Substantial Credible Evidence That Senator Ensign Conspired to Violate, and Aided and Abetted Mr. Hampton's Violations of The Post Employment Contact Ban, 18 U.S.C. § 207

Special Counsel has identified at least thirty instances in which Mr. Hampton contacted a Senate official during the year after he left Senator Ensign's staff, involving twelve separate client matters. Special Counsel also considers it likely that more such contacts occurred, but were not memorialized in writing or preserved for discovery in this investigation. Senate rules have long barred Senators and their staffs from lobbying former Senate colleagues, employees, and employers for one year after leaving office.²⁵ This prohibition is also embodied in a criminal statute, 18 U.S.C. § 207.²⁶

Special Counsel submits that the record contains substantial credible evidence that Senator Ensign conspired to violate, and aided and abetted Mr. Hampton's violations of, 18 U.S.C. § 207(e)(2).

1. Mr. Hampton's Contacts Were Not Exempt as "Informational" Contacts

It was suggested by counsel for Mr. Lopez and Senator Ensign, and by Senator Ensign himself, that communications by covered former employees with Senators or Senate staff are

²⁵ Manual, at 87 (citations omitted).

²⁶ 18 U.S.C. § 207(e)(2). (2) **Officers and staff of the Senate.**— Any person who is an elected officer of the Senate, or an employee of the Senate to whom paragraph (7)(A) applies, and who, within 1 year after that person leaves office or employment, knowingly makes, with the intent to influence, any communication to or appearance before any Senator or any officer or employee of the Senate, on behalf of any other person (except the United States) in connection with any matter on which such former elected officer or former employee seeks action by a Senator or an officer or employee of the Senate, in his or her official capacity, shall be punished as provided in section 216 of this title.

permissible if they are merely informational in nature and do not seek action of the type that would be defined as "lobbying" under other statutes, and moreover that this "exemption" is widely recognized among ethics practitioners. This contention was advanced in discussions with counsel, who did not cite any case law or any legislative materials in support of it. Special Counsel submits that this contention is incorrect as to contacts involving both Mr. Lopez and Senator Ensign.

Section 207 prohibits any communications seeking official action made with the intent to influence, and does not state or imply that those communications must also meet the separate requirements of any other statute. The Manual makes this clear, as does the legislative history of Section 207(e)(2). The Manual contrasts the prohibition contained in Section 207 with the separate prohibitions of Senate Rule 37, which applies post-employment lobbying limits on every Senate Member and employee for one year after leaving the Senate, regardless of Senate salary.²⁷ In short, as compared with Rule 37, Section 207 applies to a smaller class of persons but has a broader definition of prohibited contacts. The Manual expressly cautions that under 18 U.S.C. § 207(e) "the scope of covered activities ('any communication to or appearance before') is broader than the lobbying activities prohibited by the Senate Rule."²⁸

2. Contacts by Covered Persons Are Illegal Even If the Requested Action Would Have Been Taken in Any Event

It was also suggested in the course of the Preliminary Inquiry that a contact cannot be prohibited under Section 207(e)(2), or constitute improper conduct, if the Senator or staffer contacted would have taken the action even absent the prohibited contact. This position ignores both the language and the purpose of the statute, as well as pertinent case law. Section 207 prohibits contacts by a covered person seeking official action that are made with the intent to influence, and the violation is complete once the contact with intent to influence is made. The statute makes no reference to any intention or action by the person contacted, and imposes no separate requirement that the contact lead to some kind of corrupt action.

²⁷ Senate Rule 37(13) defines "lobbying" for purposes of that Rule as "any oral or written communication to influence the content or disposition of any issue before Congress, including any pending or future bill, resolution, treaty, nomination, hearing report, or investigation. This definition is similar to the definition of a lobbying contact that is contained in the Lobbying Disclosure Act of 1995, Pub. L. No. 104-65, Sec. 3(8)(A), codified at 2 U.S.C. § 1602(8).

²⁸ Manual at 89-90. The legislative history of Section 207(e)(2) confirms its intended broad scope. The Senate committee report explaining the legislation noted that it was intended to apply to all "advocacy contacts," defined as "any contact on behalf of another for compensation." See, S. Rep. 100-101, at 22 (1987). The House committee report likewise emphasized that "[a]ny prohibitions under 18 U.S.C. § 207 will apply to all representation, not just to lobbying," and "would cover all contacts and representatives (not just lobbying) by former federal employees with the prohibited department, agency, or branch of government throughout the country and across the world." See, H.R. Rep. 100-1068 at 12. Moreover, as the facts of this Preliminary Inquiry demonstrate, contacts by a former high-ranking employee will, as a practical matter, invariably seek some type of action. For example, Mr. Hampton's inquiries about the status of specific matters induced Mr. Lopez to follow up on those matters. In any event, many of Mr. Hampton's contacts fell within the definition of lobbying under Senate Rule 37 and would violate that rule as well.

This conclusion is necessary to protect against the appearance of impropriety. The statute prohibits the communication because "contact by a former colleague causes others to believe that [the] 'fix is in.'"²⁹ There is an appearance of impropriety "when a former federal employee contacts current federal employees regarding government issues, even when no action is taken by the current employee because of that contact."³⁰ Case law addressing the analogous situation of public officials who act after receiving an illegal gratuity fully supports this conclusion.³¹

3. Evidence of Aiding and Abetting

Aiding and abetting is a criminal standard under which any person who "aids, abets, counsels, commands, induces or procures" the commission of a crime is as culpable and punishable as one who commits the crime himself.³² The standard has three elements: (1) the principal committed a crime; (2) the abettor knowingly associated with the principal; and (3) the abettor participated in the principal's crime with the intent to help it succeed.³³ "[T]he law is well settled that one may be found guilty of aiding and abetting another individual in his violation of a statute that the aider and abettor could not be charged personally with violating."³⁴

An individual knowingly associates with a principal where the individual shares in the principal's "essential criminal intent."³⁵ Aiding and abetting requires more than mere presence;³⁶ the defendant must have taken "affirmative conduct designed to aid the venture,"³⁷ or "which at least encourages the principal offender to commit the offense."³⁸

²⁹ H.R. Rep. 100-1068 at 12.

³⁰ *Id.* at 16.

³¹ See *May v. United States*, 175 F.2d 994, 1006 (D.C. Cir. 1949) ("If the money was received by May as compensation for acts done by him for the Garssons, it is immaterial that those acts were patriotic, legitimate and within the scope of his official duties as a Congressman."); *United States v. Booth*, 148 F. 112, 117 (C.C.D. Or. 1906) ("The essence of the statutory offense is, not receiving, or agreeing to receive, compensation for proper or improper acts, but the receiving, or the agreeing to receive, compensation for service of any kind.").

³² 18 U.S.C. § 2(a).

³³ *Nye & Nissen v. United States*, 336 U.S. 613, 619 (1949); *United States v. Spinney*, 65 F.3d 231, 235 (1st Cir. 1995); *United States v. Teffera*, 985 F.2d 1082 (D.C. Cir. 1993).

³⁴ *In re Nofziger*, 956 F.2d 287, 290 (D.C. Cir. 1992) (construing 18 U.S.C. § 207).

³⁵ See, e.g., *United States v. Campa*, 679 F.2d 1006, 1010 (1st Cir. 1982); *United States v. Romero-Cruz*, 201 F.3d 374, 378 (5th Cir. 2000) (citing *United States v. Sorrells*, 145 F.3d 744, 753 (5th Cir. 1998)).

³⁶ See, e.g., *United States v. Williams*, 341 U.S. 58, 65 n.4 (1951); *United States v. Ivey*, 915 F.2d 380, 384 (8th Cir. 1990).

³⁷ *United States v. Vasquez*, 953 F.2d 176, 183 (5th Cir. 1992) (citation omitted).

³⁸ *United States v. Frorup*, 963 F.2d 41, 43 (3d Cir. 1992) (quoting *United States v. Raper*, 676 F.2d 841, 850 (D.C. Cir. 1982)).

The substantial credible evidence that Senator Ensign knowingly associated with, participated in, and furthered Mr. Hampton's illegal contacts is outlined above. It includes evidence that Senator Ensign: (1) collaborated with Mr. Hampton in establishing his business as a lobbyist, brokered his installation at November Inc. with the understanding that sufficient client engagements would replace his lost salary; (2) pressured contributors and constituents to hire him in conduct that went far beyond the normal provision of references or appropriate requests and was described by Mr. Lopez as an abuse of his office; and (3) never advised any of these contacts that Mr. Hampton would be subject to a one-year ban. The Senator had a direct interest in the success of Mr. Hampton's venture. Moreover, the evidence shows that Mr. Hampton's primary, if not only, marketable asset for a lobbying practice was his relationship with Senator Ensign, and a number of persons whom Senator Ensign urged to hire Mr. Hampton testified that they considered his access to Senator Ensign and his office to be the primary reason they would consider hiring him.

Senator Ensign also encouraged Mr. Hampton to use Mr. Lopez as a conduit for all such contacts and soon after several of his staff expressed grave concerns about Mr. Hampton's initial contact, Mr. Lopez formally requested that the office policy manual be updated to reflect that Mr. Lopez alone could contact the Ethics Committee.³⁹ Finally, there is substantial credible evidence that following these communications Senator Ensign took the official actions that Mr. Hampton was requesting.

Senator Ensign, through his counsel, has asserted that he cannot properly be charged with aiding and abetting a violation of Section 207(e)(2) because he contends that Congress, by applying the statute only to the person making the contact and not the person receiving the contact, has signaled its intent that the recipient of the contact cannot be held liable either directly or indirectly through the general aiding and abetting statute. A similar contention was squarely rejected in the *Nofziger* case, cited above.⁴⁰ *May v. United States*, also discussed above, reached the same conclusion with respect to a Congressman who received an illegal gratuity.⁴¹ Consistent with this reasoning, the Justice Department obtained a guilty plea from Congressman Bob Ney for aiding and abetting his former Chief of Staff Neil Volz, who immediately began lobbying the Congressman and office after leaving his position.⁴²

³⁹ To the credit of Senator Ensign's staff, before receiving this directive they had immediately made inquiries of the Ethics Committee to clarify the nature of lobbying contacts and to clarify their obligations in dealing with a banned person.

⁴⁰ 956 F.2d at 290 ("Bragg contends that section 207(c), which is applicable only to former government employees, could not legally be utilized against "aiders and abettors" who had never been government employees. However, the law is well settled that one may be found guilty of aiding and abetting another individual in his violation of a statute that the aider and abettor could not be charged personally with violating.") (citing *Coffin v. United States*, 156 U.S. 432 (1895)).

⁴¹ 175 F.2d at 1004-05 ("To sustain appellants' contention, we would have to write, or read, such an exception into the otherwise unqualified general statute dealing with aiders and abettors. We think we cannot do that.... The same reasoning ... would point to the same conclusion in respect to all other statutes in which only one of two participants is mentioned.").

⁴² Information as to Robert W. Ney, No. 1:06-cr-00272, at 6 (D.D.C. Sept. 15, 2006) ECF No. 1.

4. Evidence of Conspiracy

A conspiracy exists where two or more persons agree to accomplish a criminal or an unlawful act, accompanied by an overt act in furtherance of that agreement.⁴³ As set out above, there is substantial credible evidence that Senator Ensign reached a number of agreements with Mr. Hampton and with Mr. Lopez to facilitate Mr. Hampton's Section 207 violations.⁴⁴ Special Counsel does not find that the evidence supports the contention that Senator Ensign intended Mr. Lopez to handle any contacts with Mr. Hampton to ensure that he complied with the law, as among other things, there is no evidence that either man took any overt action to stop these contacts.

Senator Ensign, through counsel, has also suggested that he cannot be considered to have conspired to violate Section 207(e) because the crime itself requires an agreement between two parties (the former employee making the contact, and the Senate official who is contacted). Again, the D.C. Circuit's *Nofziger* opinion disposes of this contention. In that case, as here, the alleged conspirator "was not a necessary party to [the principal's] violation of [Section 207]."⁴⁵ Mr. Hampton was able to commit a violation of Section 207 without the involvement of Senator Ensign, and the Senator's agreement to facilitate contacts with Mr. Lopez and allow them to go undetected would fall well within the permissible bounds of a conspiracy charge.⁴⁶ Moreover, imposing liability on conspirators is fully consistent with Congress' intent to protect against both the appearance and actuality of impropriety. There is no evidence of any congressional intent to protect a Senator or staffer who knowingly participates in and furthers an illegal contact.⁴⁷

Finally, even if a court might find Senator Ensign's conduct to not rise to the level of a criminal violation, the standard of conduct expected of Senators and Senate employees goes well beyond compliance with the letter of criminal statutes. Senators are expected to refrain from any improper conduct that might reflect on the Senate. Special Counsel submits that there is substantial credible evidence that the Senator's actions with respect to the contacts by Mr. Hampton fell short of this standard.

⁴³ See 2 Fed. Jury Practice & Inst. §§ 31.01-31.03 (5th Ed. 2000); *United States v. Rankin*, 870 F.2d 109, 113 (3d Cir. 1989).

⁴⁴ Even if agreements take place over a number of months and do not involve a meeting between all conspirators, they can still be a single conspiracy. See, e.g., *Blumenthal v. United States*, 332 U.S. 539 (1947); *Sigers v. United States*, 321 F.2d 843 (5th Cir. 1963).

⁴⁵ *Nofziger*, 956 F.2d at 291 (distinguishing *United States v. Nasser*, 476 F.2d 1111, 1119 (7th Cir. 1973)).

⁴⁶ See *United States v. Annunziata*, 293 F.2d 373, 380 n.4 (2d Cir. 1961) ("the Wharton rule would not be applicable here, since at least two persons other than the payor and the receiver ... knowingly participated in the criminal enterprise.").

⁴⁷ See *Id.* at 378 (where statute prohibiting union official from making payments to employer had a "dual purpose-of protecting employers against extortion and of insuring honest representation to employees," employer was liable for conspiracy for taking the payment: "He is not simply and solely a member of the class whom the statute aims to protect; he is likewise a member of a class whose activities the statute aims to curb" distinguishing *Gebardi v. United States*, 287 U.S. 112 (1932)).

B. Findings Concerning the \$96,000 Payment to the Hamptons

A key matter in the Preliminary Inquiry was whether a \$96,000 payment by Senator Ensign's parents to Mr. and Ms. Hampton and two of their three children was intended as a severance payment to Mr. and Ms. Hampton upon their leaving the Senator's employ. Before the payment became public, the Senator represented on a number of occasions that it was severance. Later, after receiving legal advice, he changed his explanation and claimed it was an unsolicited gift from his parents to the Hamptons.

There is no dispute that the payment was made. If the payment was severance to Mr. and Mrs. Hampton, and Special Counsel submits that there is substantial credible evidence that it was, then three consequences flow: (1) the Senator's statements to the contrary, including in a sworn affidavit to the Federal Election Commission, were false; (2) a portion of the payment violated federal law and the Senate Rule prohibiting unofficial accounts; and (3) a portion of the payment was an illegal campaign contribution by the Senator's parents that was not reported by the Senator's campaign committees as required by law. Finally, even if the Senator's contention that the payment was a gift were credited, the payment was not reported as required by Senate Rule 35.

1. There Is Substantial Credible Evidence That the Payment Was Severance and the Evidence Does Not Support Claims That the Payment Was a Gift

Special Counsel and Committee Staff identified a number of instances in which Senator Ensign referred to the April 2008 payment to the Hampton family as "severance." These include: (1) oral statements during the June 15, 2009 emergency staff meeting regarding severance payments, including payments for health insurance, the details of which were recalled by several staff members; (2) statements in the earlier drafts of his June 15, 2009 public statement prior to receiving advice from his counsel to take out the references to severance; (3) statements to Ms. Hampton that he was providing her and her husband with severance, with additional funds to be used for health insurance; (4) Senator Ensign's journal entry from June 2009 indicating that he did not want the government to pay the Hamptons severance but wanted to "help them transition into their new life"; (5) a statement to his spiritual advisor Marty Sherman that "I'm going to give him as much severance as possible"; and (6) the statement to his former campaign manager Mike Slanker that "we gave Cindy \$100,000 severance to help them." The fact that the payment was made two days after Ms. Hampton left her employment with the campaign also supports a finding that it was severance. Doug Hampton's handwritten notes documenting his communications with Senator Ensign regarding his departure from the Senate staff also refer to planned severance for him and Ms. Hampton, and a communication plan regarding the issues.⁴⁸

⁴⁸ Special Counsel recognizes that Mr. Hampton has been indicted for alleged violations of 18 U.S.C. § 207, but notes that Mr. Hampton has acknowledged much of the conduct that forms the basis of that indictment in the course of his interviews with Committee staff and the FBI. Special Counsel does not believe the indictment affects the evidence Mr. Hampton has provided as to whether the payment was intended as severance, particularly in light of Senator Ensign's many statements to the same effect. In addition to the \$96,000 payment to the Hamptons, Senator Ensign authorized a \$6,000 payment to Mr.

Likewise, the traditional indicia of a gift are not present here.⁴⁹ All other recipients of gifts from Michael and Sharon Ensign were their family, close friends, or employees, and the gift is double the amount of the next largest gift to a non-Ensign family member (excluding a former in-law who Michael Ensign testified was still considered a family member). In contrast, the senior Ensigs and Doug Hampton had a contentious relationship. Mr. Ensign recalled a business transaction with Mr. Hampton in which Mr. Ensign was dissatisfied, and Mrs. Ensign thought Mr. Hampton was an "opportunist." Mr. Ensign testified that the portion of his sworn statement to the FEC intended to support the Senator's position that the gift was part of a pattern of giving to the Hamptons was untrue. The payment was also not accompanied by any written or oral expression of concern to the Hampton family. Finally, to be a legitimate gift on the basis of a personal friendship there cannot be "reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship."⁵⁰ Here, the payment was made at the time that Mr. Hampton and the Senator were discussing Mr. Hampton leaving the Senator's employ, and there is at the very least "reason to believe" that it was given because of his official position.

The evidence establishes that Senator Ensign portrayed the payment as severance until his counsel advised that doing so raised potential criminal issues for the Senator, and that after this advice he changed his characterization of the payment from severance to a gift. The evidence supports Senator Ensign's many initial statements that it was severance and does not support his later characterization of it as a gift.

2. **There Is Substantial Credible Evidence That Senator Ensign Made False or Misleading Statements Concerning the Payment to the Hamptons**

On August 11, 2009, as part of the FEC investigation, the senior Ensigs submitted sworn affidavits stating that, on their own accord and not at the request of Senator Ensign, they made a gift of \$96,000 to the Hampton family. Senator Ensign also submitted a sworn affidavit stating that the payment was a gift from his parents to the Hamptons and that he did not request that it be made.⁵¹ These affidavits contain misleading and potentially false statements.⁵² Michael Ensign himself disavowed under oath the statements in his affidavit that he paid

Hampton when he left the Senate payroll, ostensibly for unused vacation time. The evidence suggests, however, there were likely no vacation days available to Mr. Hampton upon his departure from the Senate, but Senator Ensign nevertheless authorized the payment to be made.

⁴⁹ Senate Rule 35.1(c)(4)(B) sets out the criteria used to determine whether a gift is made on the basis of personal friendship, as Senator Ensign and his parents have asserted. These include the history of the relationship between donor and donee, including any prior history of giving.

⁵⁰ See Rule 35.1; see also Manual, at 26, 28.

⁵¹ Because the affidavits were substantially identical in all material respects and concerned allegations against Senator Ensign's campaign committees, there is a reasonable inference that Senator Ensign participated in their drafting and/or review.

⁵² Special Counsel believes the facts to be contrary to the statements contained in the affidavits. It is a reasonable inference that Senator Ensign assisted in the preparation of the affidavits, and consequently involved his parents in a potential violation of law.

expenses for the Hamptons on a trip to Hawaii in December 2006. The additional information recently received by the Committee provides more uncertainty than clarity regarding who actually paid for the trip expenses. In addition, the statements in the affidavits that the payments were a gift are inconsistent with substantial credible evidence that the payments were in fact severance, including the prior written statements by the Senator himself that they were severance.

The Senator's multiple prior statements referring to severance were not available to the FEC when the agency dismissed the complaint against Senator Ensign's campaign in November 2010. The affidavits did not become available to the Committee until months later during the course of the Preliminary Inquiry. Submission of materially false affidavits implicates the false statements statute, 18 U.S.C. § 1001, and Special Counsel submits there is substantial credible evidence that this has occurred with respect to the affidavits Senator Ensign and his parents submitted to the FEC.⁵³ 18 U.S.C. § 1505 likewise imposes criminal liability on any person who "corruptly . . . obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any . . . committee of either House or any joint committee of the Congress." Special Counsel submits that there is substantial credible evidence which provides substantial cause for the Committee to conclude that Senator Ensign made false and misleading statements about the payments in violation of these statutes.

3. There Is Substantial Credible Evidence That the Payment Violated Senate Rule 38 and Statutory Prohibitions on Unofficial Accounts with Respect to Mr. Hampton

Both Senate Rule 38 and 2 U.S.C. § 59e(d) prohibit "unofficial office accounts," namely, private donations, in cash or in kind, in support of official Senate activities or expenses.⁵⁴ Employee salaries may not be paid by private parties, but must be paid out of appropriated funds or a Senator's personal funds.⁵⁵ Thus, if all or part of the \$96,000 payment to the Hamptons was severance to Doug Hampton, then as an employee salary payment it would have to be paid from appropriated or personal funds and could not be paid by private parties such as the Senator's

⁵³ The False Statements Penalty Restoration Act, Pub. L. 104-292, makes clear that 18 U.S.C. § 1001 applies to all three branches of the government, including Congress. Several Congressmen and congressional staffers have been prosecuted under 18 U.S.C. § 1001 for salary kickback schemes. *See, e.g., United States v. Rostenkowski*, 59 F.3d 1291 (D.C. Cir. 1995); *United States v. Collins*, 56 F.3d 1416 (D.C. Cir. 1995).

⁵⁴ Manual, at 105.

⁵⁵ *Id.* at 108. Rule 38.1(b) states that "official expenses may be defrayed only as provided by subsections (d) and (i) of section 311 of the Legislative Appropriations Act, 1991 (P.L. 101-520)." Subsection 311(d), codified at 2 U.S.C. § 59e(d), provides in relevant part that "No Senator . . . may maintain or use, directly or indirectly, an unofficial office account or defray official expenses for . . . employee salaries . . . from . . . (3) any other funds that are not specifically appropriated for official expenses." Section 311(i) provides that "the funds referred to in paragraph (3) of [subsection 311(d)] shall not include personal funds of a Senator or Member of the House of Representatives." 104 Stat. 2281. Thus, as stated in the Rule and the Manual, the only permissible sources of funds for employee salaries are appropriated funds (per 311(d)) and personal funds (per 311(i)).

parents.⁵⁶ A payment by a private party would violate 2 U.S.C. § 59e(d) and Senate Rule 38.1(b). There is substantial credible evidence that a portion of the payment was in fact severance for Mr. Hampton, and therefore that such a violation occurred.

This conclusion establishes a likely motive for Senator Ensign to describe the payment as a gift even if it was severance. Since the payment was from private funds, namely those of his parents, it was illegal if it was severance rather than a gift. Faced with a situation in which he had to mischaracterize either the nature of the payment or the source of the funds in order to avoid admitting a violation of law, Senator Ensign apparently chose not to say anything initially about the payment after receiving advice from his counsel that it raised potential criminal issues for the Senator. However, after Mr. Hampton disclosed the payment in a television interview, Senator Ensign released a statement describing the payment as a gift. The consequences of that choice are explained in the discussion of false statement liability above.

4. There Is Substantial Credible Evidence That the Payment with Respect to Ms. Hampton Constituted an Unlawful and Unreported Campaign Contribution

Under the Federal Election Campaign Act of 1971 ("FECA"), a third party's payment of a political committee's administrative expenses, including salary of a committee's employee, is considered a contribution to the political committee.⁵⁷ Contributions are subject to amount limits, and receipt of any excessive contribution is a violation of FECA. Failure to report receiving a contribution above a certain amount is also a violation. The statutory language applies when a defendant's funds go to a campaign either directly from him, or through an intermediary.⁵⁸

FECA restricts any person from contributing more than \$2,000 per year (adjusted for inflation) to a candidate's authorized political committee, such as Ensign for Senate ("EFS").⁵⁹ Contributions to other political committees are limited to \$5,000 per year.⁶⁰ BattleBorn PAC was an "other committee" for these purposes. FECA also prohibits receiving as well as making excessive contributions. "No candidate or political committee shall knowingly accept any

⁵⁶ See Manual, at 107 ("As stated in Committee Interpretative Ruling 444 interpreting Rule 38, however, neither official nor officially related expenses, goods, or services used in the operation of a Senator's office may be provided or paid for by private parties.").

⁵⁷ 2 U.S.C. § 431(8)(A) (defining "contribution" to include "the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.").

⁵⁸ *Id.*

⁵⁹ 2 U.S.C. § 441a(a)(1)(A) ("Except as provided in subsection (i) of this section and section 441a-1 of this title, no person shall make contributions— (A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$2,000.").

⁶⁰ 2 U.S.C. § 441a(a)(1)(C) ("Except as provided in subsection (i) of this section and section 441a-1 of this title, no person shall make contributions— (C) to any other political committee (other than a committee described in subparagraph (D)) in any calendar year which, in the aggregate, exceed \$5,000.").

contribution or make any expenditure in violation of the provisions of this section.”⁶¹ The “knowing” standard that is used here, as opposed to a “knowing and willful” standard, “does not require knowledge that one is violating the law, but merely requires an intent to act.”⁶² Finally, FECA requires disclosure of the identity of any person who contributes more than \$200 per election cycle to an authorized committee of a federal candidate, or more than \$200 per year to any other political committee.⁶³ Criminal penalties apply to knowing and willful violations of the requirements on making, receiving, or reporting contributions. If Ms. Hampton’s share of the \$96,000 payment constituted severance upon her departure from her jobs at EFS and BattleBorn PAC, then the payment was an illegal and unreported contribution to each under the above legal standards. The Senator and each committee would have violated the prohibition on receipt of excessive contributions and the requirement to report the donors.

The FEC has exclusive jurisdiction with respect to civil enforcement of provisions of FECA.⁶⁴ The staff of the FEC found “reason to believe that at least part of the \$96,000 transfer was a severance payment to Ms. Hampton, and thus was an excessive contribution from Michael and Sharon Ensign. Further, this transaction was not reported by the Committee or the PAC.”⁶⁵ Although the FEC staff attorneys recommended a full FEC investigation into this matter, the FEC ultimately declined to investigate, reasoning among other things that “the Ensigs’ affidavits support Respondents’ contention that the transfer was intended as a gift and not as a severance payment.”⁶⁶ As noted above, substantial credible evidence subsequently uncovered during the Committee’s Preliminary Inquiry indicates that the payments were in fact severance. Special Counsel submits that the findings and recommendation of the FEC’s staff are persuasive in light of this substantial credible evidence, and that there is substantial and credible evidence that gives substantial cause to conclude that violations of the FECA occurred.

5. Even if Senator Ensign’s Assertions That the Payment Was a Gift Were Credible, Senate Rule 35 Would Have Been Violated

Rule 35.1(c)(4)(A) exempts from the gift limits “[a]nything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.” Doug Hampton was a Senate employee when he received his share of the \$96,000 payment on or about April 9, 2008 and thus was subject to the gift limits. Rule 35.1(c)(4)(B) further provides that the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals, is important in determining if the gift is truly given on the basis of personal friendship.

⁶¹ 2 U.S.C. § 441a(f).

⁶² *FEC v. Malenick*, 310 F. Supp. 2d 230, 237 n.9 (D.D.C. 2004) (citing *FEC v. John A. Dramesi for Congress Comm.*, 640 F. Supp. 985, 987 (D. N.J. 1986)).

⁶³ 2 U.S.C. § 434(b)(3)(A).

⁶⁴ *Malenick*, 310 F. Supp. 2d at 233 (citing 2 U.S.C. § 437c(b)(1)).

⁶⁵ First General Counsel Report, MUR 6200 (Mar. 31, 2010), at 2.

⁶⁶ FEC Statement of Reasons, MUR 6200 (Nov. 17, 2010), at 9.

Although gifts motivated solely by personal friendship between the giver and the Member, officer, or employee are permissible, such gifts may not be of a value greater than \$250, unless the recipient receives approval from the Committee.⁶⁷ Thus, even if the payment were a gift as Senator Ensign has asserted, it would still have violated Senate Rule 35.1(e), which requires prior approval of the Ethics Committee if a gift valued over \$250 is to be received on the basis of personal friendship.⁶⁸ Senator Ensign avers that he became aware of this payment in April 2008, yet there is no evidence that he advised either his parents or Mr. Hampton to seek the required approval of the gift, or to make the required disclosure. Special Counsel submits that there is a strong inference that the Senator had no intention of, or interest in, urging compliance with Rule 35.1(e), both because at the time he considered the payment to be severance and not a gift, and because he wanted the payment to be made in secret and kept secret. The required disclosure, and the resulting need to explain the payment to the Ethics Committee, would have been inconsistent with the pattern of concealment that surrounded the Senator's conduct with respect to this payment.

C. There Is Substantial Credible Evidence That Senator Ensign Permitted Spoliation and Engaged in Obstruction of Justice

Special Counsel submits that there is substantial credible evidence of instances of spoliation and destruction of evidence by Senator Ensign and his staff.⁶⁹ Senator Ensign and his staff were subject to a number of document preservation duties and requirements. Senator Ensign's counsel has acknowledged that he anticipated litigation with respect to the matters related to the Preliminary Inquiry as of June 16, 2009, and possibly earlier when he may have begun preparing for litigation. Senator Ensign's office issued a document preservation notice on October 13, 2009, and the Committee issued a formal document preservation notice to Senator Ensign with respect to the Preliminary Inquiry on October 21, 2009.

As further discussed above, Senator Ensign permitted his staff to delete and replace his personal Gmail account containing emails related to Senate activities on October 1, 2009, and he acknowledged in a subsequent affidavit that he had continued to routinely delete emails from his home desktop computer as well as his personal Gmail email account following the issuance of preservation notices. This is significant because the Gmail account was deleted and, therefore, not subject to review by the Committee or Special Counsel.

Additionally, forensic analysis and document review undertaken during the Preliminary Inquiry indicated that up to 174 emails may have been deleted following the issuance of the preservation notices. By the creation dates of the emails themselves, at least five (5) were

⁶⁷ Rule 35.1(e).

⁶⁸ By the same token, if the assertion is credited that Senator Ensign's parents paid the expenses of the December, 2006 Hawaii vacation, Mr. Hampton's share of that should also have been submitted to the Committee for approval, as he was a Senate employee at the time and his share was well in excess of \$250.

⁶⁹ In the civil context, spoliation refers to the destruction or material alteration of evidence or to the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation. See, e.g., *West v. Goodyear Tire & Rubber Co.*, 167 F.3d 776, 779 (2d Cir. 1999).

deleted from Senator Ensign's laptop following the preservation notice, including a draft document Senator Ensign prepared that is highly relevant to his assertion that the payment to the Hamptons was not a severance payment.⁷⁰

The apparent destruction of evidence relevant to a Senate investigation is a possible violation of 18 U.S.C. § 1505.⁷¹ Such actions also implicate 18 U.S.C. § 1519.⁷²

D. There Is Substantial Credible Evidence That Senator Ensign Engaged in Improper Conduct Reflecting Upon the Senate, Including Violations of His Own Senate Office Policies

1. The Applicable Standard

The Committee's authorizing resolution, Senate Resolution 338, empowers it to investigate not only violations of law, the Senate Code of Official Conduct, and the rules and regulations of the Senate, but also "improper conduct which may reflect upon the Senate." This improper conduct standard has formed the basis for many important actions of the Committee and of the Senate. As set out in the Senate Ethics Manual:

[c]ertain conduct has been deemed by the Senate in prior cases to be unethical and improper even though such conduct may not necessarily have violated any written law, or Senate rule or regulation. Such conduct has been characterized as "improper conduct which may reflect upon the Senate," and has provided the basis for the Senate's most serious disciplinary cases in modern times.⁷³

⁷⁰ See, e.g., *Silvestri v. General Motors Corp.*, 271 F.3d 583, 591 (4th Cir. 2001) ("The duty to preserve material evidence arises not only during litigation but also extends to that period before the litigation when a party reasonably should know that the evidence may be relevant to anticipated litigation.").

⁷¹ An individual violates 18 U.S.C. § 1505 when it is established that "1) there was a proceeding pending before a department or agency of the United States; 2) the defendant knew of or had a reasonably founded belief that the proceeding was pending; and 3) the defendant corruptly endeavored to influence, obstruct, or impede the due and proper administration of the law under which the proceeding was pending." *United States v. Sprecher*, 783 F. Supp. 133, 163 (S.D.N.Y. 1992). A defendant need not succeed in his endeavor to obstruct, and the "corrupt" nature of the endeavor simply means that he was motivated by an improper purpose. *Id.* at 164.

⁷² This statutory provision was enacted by the Sarbanes-Oxley Act of 2002. The "elements of a Section 1519 violation include (1) an investigation or other matter within the jurisdiction of a department or agency of the United States must have been pending or contemplated by such department or agency of the United States; (2) the defendant must have been aware of the pending or contemplated matter or investigation; and (3) the defendant must have knowingly altered, concealed, mutilated, or destroyed something with the intent to impede, obstruct, or influence the pending or contemplated matter or investigation; or any matter in relation to the pending or contemplated matter or investigation." *United States v. Perraud*, 672 F. Supp. 2d 1328, 1350 (S.D. Fla. 2009).

⁷³ Manual, Appendix E, at 432.

This Committee and the Senate have frequently noted that even if conduct does not constitute an actionable violation of law, Senators must meet a much higher standard of conduct.⁷⁴ Additionally, "[a] Senator is extended an extraordinary measure of trust and confidence not given to ordinary members of society. The Senate must therefore require higher standards of conduct than those generally required in the marketplace."⁷⁵

2. Application of the Improper Conduct Standard

The findings above outline substantial credible evidence that gives substantial cause to conclude that Senator Ensign violated several statutes and Senate Rules. Given that the improper conduct standard is higher than merely avoiding actionable violations of law, it necessarily follows that the standard is contravened by violations of law or Senate rule, and particularly so if, as is the case here, the law or rule is itself addressed to matters of ethics.

An example of the need for a standard of improper conduct that goes beyond compliance with the criminal law is provided by Senator Ensign's argument that the law does not in any way reach the recipient of an illegal post employment contact, and covers only the person making the contact. The Senator's counsel went so far as to suggest during the course of the Preliminary Inquiry that because there is no written rule or guidance expressly directing Senate personnel to rebuff contacts by covered former members or employees, or to avoid such contacts, they are

⁷⁴ See, e.g., Senator Roland W. Burris, Public Letter of Qualified Admonition (Nov. 20, 2009), at 1 ("While the Committee did not find that the evidence before it supported any actionable violations of law, Senators must meet a much higher standard of conduct. Senate Resolution 338 gives this Committee the authority and responsibility to investigate Members who may engage in 'improper conduct which may reflect upon the Senate.'") These standards have also been incorporated into the Senate Ethics Manual. Appendix E to the Manual notes that the Senate expressly rejected a proposal that would have given the Committee the authority to investigate only alleged violations of the rules of the Senate in favor of the language now contained in Senate Resolution 338, which allows the Committee to receive complaints of unethical, improper, or illegal conduct of members. Discussing this language, Senator Case noted that the Committee "would not be limited to alleged violations of Senate rules, but it would take into account all improper conduct of any kind whatsoever." Manual, App. E, at 432-33, citing S. Rep. 88-125 at 13 (1964).

⁷⁵ S. Rep. 90-1015, 90th Cong. 2d Sess. at 3 (1968). The Manual identifies a number of specific cases in which discipline was imposed even though no violation of a specific law or rule was found. In 1929, Senator Bingham was censured for hiring the lobbyist for a manufacturers' association as his clerk while he continued to be on salary to the association, as the conduct was "contrary to good morals and senatorial ethics" and thus tended "to bring the Senate into dishonor and disrepute. In 1954, the Senate condemned Senator Joseph McCarthy for his lack of cooperation with and abuse of two Senate committees that investigated his conduct. The conduct did not violate any law, rule, or regulation, but was deemed to violate accepted standards and values of comity and civility controlling Senators' conduct. Finally, in 1991 the Committee concluded that Senator Cranston engaged in an impermissible pattern of conduct that substantially linked fund raising and official activities, and that this "violated established norms of behavior in the Senate, and was improper conduct that reflects upon the Senate." Manual, App. E at 434-35; citing S. Rep. No. 102-223 at 36 (1991). The Committee specifically found that none of Senator Cranston's activities violated any law or Senate Rule.

under no obligation to do so. However, the evidence showed that several of the Senator's staff, immediately after the first of Mr. Hampton's contacts, refused to have any contact with Mr. Hampton, alerted others on the staff not to do so, and consulted with the Ethics Committee. This standard of conduct is a fully appropriate one against which to measure Senator Ensign's actions, regardless of any separate requirements of law or rule.

Another example is offered by the allegations, raised in the initial CREW complaint in this Preliminary Inquiry, that Senator Ensign discriminated on the basis of sex in the form of sexual harassment of Ms. Hampton. Senator Ensign, through counsel, cited several procedural and jurisdictional bases on which he would not be subject to a claim under the employment laws for such conduct: (1) that Ms. Hampton was not a Senate employee so that Title VII of the Civil Rights Act of 1964 was not applicable to her through the Congressional Accountability Act ("CAA"),⁷⁶ (2) that she was not covered directly under Title VII because the offices in which she was employed had fewer than fifteen employees,⁷⁷ and (3) that neither of the Hamptons had filed a charge of discrimination within the prescribed time period.⁷⁸ While these arguments might preclude the Hamptons from invoking EEOC, judicial, or Senate remedies for employment claims, the obligation of Members to refrain from improper conduct that constitutes sex discrimination is not dependent on the various procedural and jurisdictional requirements of Title VII itself.⁷⁹ Members and employees of the Senate are also prohibited by Senate Rule 42 from engaging in employment discrimination. Similarly, although the CAA establishes a procedure outside the Senate to seek relief for violations of these provisions, that procedure does not limit the Committee's separate and independent authority to discipline a Member, officer, or employee of the Senate for a violation of these provisions. "The Ethics Committee's authority to recommend discipline of a Member, officer, or employee of the Senate is not affected by passage or implementation of the Congressional Accountability Act."⁸⁰

There would be no sound reason to conclude that a Senator who is barred from discriminating against employees in his Senate office is nonetheless free to engage in precisely the same conduct with respect to employees of his political committees, without any fear that it

⁷⁶ Under the CAA, a covered employee includes any employee of the Senate. 2 U.S.C. § 1301(2). The CAA provides that "[a]ll personnel actions affecting covered employees shall be made free from any discrimination based on— (1) race, color, religion, sex, or national origin, within the meaning of section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2)." 2 U.S.C. § 1311(a).

⁷⁷ See 42 U.S.C. § 2000e.

⁷⁸ See 42 U.S.C. § 2000e-5(e)(1).

⁷⁹ The Supreme Court has held that a Congressman who dismissed a female staff member on the basis of her sex could be sued for a violation of the Equal Protection Component of the Due Process Clause even if he was not subject to Title VII. See *Davis v. Passman*, 442 U.S. 228 (1979). In a ruling not affected by the Supreme Court's subsequent decision, the court of appeals had held that the staffer's suit was not barred by the speech or debate clause. Because this Preliminary Inquiry is by the Senate itself, through the Committee, the Clause is not implicated at all here, because it applies only to the questioning of a Senator's legislative acts "in any other Place." See, e.g., *United States v. Brewster*, 408 U.S. 501, 541, 547 (1972) (Brennan, J., dissenting) (stating that Brewster could have been disciplined by the Senate even if he could not be prosecuted due to the Speech and Debate Clause).

⁸⁰ Manual, at 194-95.

could be considered improper conduct reflecting on the Senate. Similarly, it would make no sense to conclude that harassment that would violate Title VII when conducted in a workplace of more than fifteen employees could not violate the improper conduct standard if the workplace happened to have fourteen employees or fewer. Nothing in the improper conduct standard contains or suggests such an illogical limitation. Simply put, the Committee is protecting the interests of the Senate in enforcing appropriate standards of behavior of its Members, not adjudicating the personal rights of the wronged party.

Accordingly, if Senator Ensign's conduct would constitute sex discrimination under the standards that have been developed under Title VII, it would also constitute improper conduct reflecting on the Senate. In response to the CREW complaint, Senator Ensign, through counsel, asserted that his conduct could not constitute sexual harassment because, unlike a prior case involving Senator Packwood cited in the complaint, here there was no "forced sexual contact" with Ms. Hampton and the affair was instead consensual. Special Counsel submits that under the proper legal standards there is substantial credible evidence that gives cause to conclude that the Senator did discriminate against Ms. Hampton on the basis of sex, and that Mr. Hampton was also a victim of that discrimination.

In assessing a claim of sexual harassment, "the correct inquiry is whether respondent, by her conduct, indicated that the alleged sexual advances were unwelcome, not whether her actual participation in sexual intercourse was voluntary."⁸¹ "Voluntariness" in the sense of consent is not a defense to such a claim."⁸² If conduct is unwelcome, then it is sexual harassment if "submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual."⁸³

There is substantial credible evidence that the Senator determined that the affair made it impossible for either of the Hamptons to continue working for him. The Senator himself drafted a written statement to that effect. If the affair was unwelcome to Ms. Hampton, that determination would thus constitute discrimination on the basis of sex.

Senator Ensign had enormous power over Ms. Hampton. He controlled the sole sources of income for both Ms. Hampton and her husband.⁸⁴ He controlled separate payments made on the Hamptons' behalf so that their children could attend an expensive private school with the

⁸¹ *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 68 (1986). Harassment on the basis of sex is a form of sex discrimination. *Id.* at 64. Sexual harassment of an employee is a violation of Senate Rule 42, the prohibitions of Title VII of the Civil Rights Act of 1964 as made applicable to the legislative branch by the Congressional Accountability Act of 1995, and of the equal protection component of the Due Process Clause.

⁸² *Id.* at 69.

⁸³ 29 C.F.R. § 1604.11(a).

⁸⁴ One prominent commentator has suggested that "there is no such thing as truly 'welcome' sex between a male boss and a female employee who needs her job," and proposed a *per se* rule prohibiting supervisors from having sexual relations with those who work directly for them. Susan Estrich, *Sex at Work*, 43 STAN. L. REV. 813 at 831, 860 (1991). The courts have not gone so far, but many employers have.

Ensign children. He had strong personal ties to the entire Hampton family as well. Ms. Hampton testified that the affair caused her considerable emotional distress, that the Senator was extremely persistent in seeking to continue it, that she never initiated any contact with the Senator, and that if he had ended his pursuit of her after they were first confronted at Christmas 2007, the affair would have ended then soon after it began. Ms. Hampton testified that she became very despondent after the affair was first discovered (a fact Mr. Hampton confirmed), and that the Senator would not stop, kept calling and calling, and would not take "no" for an answer. If the affair had ended when the Senator had first committed to end it, the likelihood that it would have led to the Hamptons being terminated from their employment would have been greatly reduced, if not entirely eliminated.

The danger inherent in such relationships is one reason why the Senate Chief Counsel for Employment makes available draft language for office anti-fraternization policies, each of which precludes a romantic relationship from continuing between a supervisor and his or her subordinate. The specific language of the policy in Senator Ensign's office changed over time, but always precluded a supervisor and a subordinate from carrying on a romantic relationship, much less an affair.⁸⁵ Senator Ensign's continuation of the affair with Ms. Hampton violated this principle and led to the more vulnerable party losing her job, the very consequence that the policy seeks to prevent.

Mr. Hampton was also adversely affected by the Senator's conduct, because he was told he could not continue in the Senator's employ as a result of the affair. Senator Ensign himself prepared a written statement that the affair was the reason Mr. Hampton could no longer work for him. The Senator has never stated that he fired Mr. Hampton for any performance-related reasons. Mr. Hampton did not consent to his wife's affair, but to the contrary was repeatedly told it would end. Moreover, Ms. Hampton testified that Senator Ensign wanted her husband out of his office in order to facilitate continuing the affair, as among other things Mr. Hampton was aware of the Senator's scheduling. The Supreme Court has, as recently as this term, recognized that an employee's spouse can be the direct and intended victim of discrimination against the employee.⁸⁶

There is substantial credible evidence that Senator Ensign violated his own office policies. Special Counsel also notes that in setting out sexual harassment, nonfraternization, and

⁸⁵ See Ensign Office Manual (February 1, 2008), Section 2.29.3, at 30 ("If a romantic or sexual relationship develops between coworkers, one of those employees (to be decided mutually by the two employees) will be required to resign from the staff.") (emphasis added); Ensign Office Manual (June 8, 2009), Section 2.29.3, at 34 ("If a supervisor and subordinate wish to date, one of them will be required to resign from the staff or to apply for a transfer to another open position, if one exists, for which the individual is qualified and for which the supervisor-subordinate relationship would no longer exist."). Ms. Hampton made it abundantly clear she did not want to lose her job over the affair.

⁸⁶ See *Thompson v. N. Amer. Stainless, LP*, 131 S. Ct. 863, 870 (2011) (finding that fiancé fired in alleged retaliation for his fiancée's Title VII complaint was "not an accidental victim of the retaliation—collateral damage, so to speak, of the employer's unlawful act. To the contrary, injuring him was the employer's intended means of harming the other [fiancée]. Hurting him was the unlawful act by which the employer punished her. In those circumstances, we think [plaintiff] well within the zone of interests sought to be protected by Title VII.").

other important policies that Senator Ensign himself violated, the Senator's Office Manual provides for termination as a potential consequence of such violations. Special Counsel submits that conduct that would subject one of the Senator's own employees to termination should also be considered improper conduct reflecting on the Senate if engaged in by the Senator himself.

V. RECOMMENDATIONS AND CONCLUSION

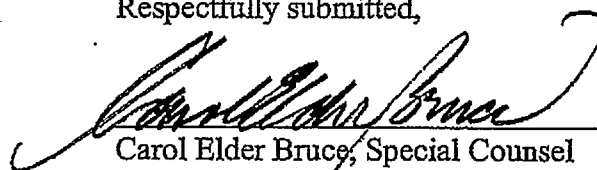
This Report also provides additional recommendations with respect to guidance the Committee should provide to each Senate office to emphasize compliance and minimize the risk that similar events reflecting negatively on the Senate might arise in the future. The Special Counsel also recommends that certain Senate policies be enhanced in order to provide clear guidance to the Senate's Members and Staff. Specifically, the Special Counsel recommends that:

1. The Senate Ethics Committee or the Senate Legal Counsel should issue clear and direct guidance that erases any question or doubt as to the scope of 18 U.S.C. § 207, including issues that have been raised in this case: (1) the "taint" of a contact when the contact comes from a prohibited person even when the contact is for a long-standing constituent; (2) eliminating any "*de minimis*" or "informational" exception that may have been informally grafted onto the statute by ethics practitioners and individuals; and (3) reinforces and/or provides guidance to each Senate Office about the law which makes clear that a Senator or a staff member can be held responsible for aiding and abetting an 18 U.S.C. § 207 violation, or conspiring to violate that statute, and can be subject to criminal prosecution for the same.
2. The Committee should provide guidance to each Senate Office about appropriate document retention policies, including policies related to electronically stored information, for all offices. Relatedly, the Committee may wish to examine what role, if any, it has in providing guidance to Senate offices about how they should structure and preserve their communications given the official nature of each office and the requirements of the law governing spoliation in civil litigation and document destruction and obstruction of justice in criminal investigations.
3. Finally, as noted above, the Committee should refer matters outlined herein to the Department of Justice and Federal Election Commission, as approved, for further investigation and consideration of whether criminal prosecution of Senator Ensign is warranted for aiding and abetting a violation of 18 U.S.C. § 207, or conspiring to violate that statute, for making false statements, for obstruction of justice, and for violations of federal campaign laws.

The Special Counsel wishes to thank the Committee for the confidence and trust it placed in her and her team to provide the assistance requested in as timely and as professional a manner as possible. She and her team worked in close coordination with the Committee's excellent staff, benefiting from the efficiencies of drawing on the staff's previous work product, their institutional and case knowledge, and their on-going efforts and insights in this important matter.

Based on the foregoing, Special Counsel respectfully submits that there is substantial credible evidence which provides substantial cause for the Committee to conclude that Senator Ensign violated Senate Rules and federal civil and criminal laws, and engaged in improper conduct reflecting upon the Senate, thus betraying the public trust and bringing discredit to the Senate.

Respectfully submitted,



Carol Elder Bruce, Special Counsel
K&L GATES LLP

Michael J. Missal
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Brendon P. Fowler
Christopher R. Tate
Amanda Kostner
Jane L. Nilan

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/05/2011

To: Washington Field

From: Washington Field

CR-15/NVRA

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 (Pending) 105

Title: UNITED STATES SENATOR JOHN E ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIAL - LEGISLATIVE BRANCH,
[REDACTED]

Synopsis: To request removal of case agent [REDACTED]
due to squad transfer.

Details: Case Agent [REDACTED] is transferring from
squad CR-15 to CR-10. As such, SA [REDACTED] will no longer be
working on this case and should be removed from the list of case
agents.

♦♦

Remove agent 7/14/11 trans
as co-case
N3 7/14/11

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FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 08/25/2011

Date: 08/23/2011

To: Records Management

Attn: NNCPS/NCU#1/ICRC/I-08;
IA [REDACTED]

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 62F-HQ-C1039976 (Pending)
58C-WF-241033 (Pending)

214984
106

Title: NAME CHECK SUMMARY FILE;

DOB: [REDACTED]

SSAN: [REDACTED]

Synopsis: To cover lead as set by FBIHQ/Records Management Division.

[REDACTED]

Reference: 62F-HQ-C1039976 Serial 214044

Administrative: Pursuant to the FBI's Manual of Administrative Operations and Procedures (MAOP), Part #2, Section(s) 9 and 9-2.4, FBIHQ/Records Management Division is responsible for conducting Name Checks that are requested by federal agencies within the Executive Branch of the United States Government. Referenced serial documents FBIHQ's receipt of a Name Check Request for captioned individual as submitted by the United States Office of Personnel Management.

Details: Referenced serial set a lead instructing Washington Field Division to review 58C-WF-241033 Serial(s) 96 and 97; and 58C-WF-241033 SUB 302 Serial(s) 54 and 55; for the purpose of identifying derogatory information for [REDACTED] date of birth [REDACTED] social security account number [REDACTED]. Referenced serial also instructed Washington Field Division to prepare a Letterhead Memorandum (LHM) for dissemination to the United States Office of Personnel Management (OPM) in the event derogatory information was identified. This lead was generated by FBIHQ/Records Management Division in support of the National Name Check Program (NNCP).

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To: Records Management From: Washington Field
Re: 62F-HQ-C1039976, 08/23/2011

A review of 58C-WF-241033 and related serials identified [redacted] as a potential witness in a pending public corruption investigation targeting a former United States Senator. [redacted] is not the subject of this investigation nor has been accused of any illegal and/or unethical wrong-doing. Washington Field Division is unaware of any derogatory information regarding [redacted]

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[redacted] was interviewed by Washington Field Division on 12/09/2010 in furtherance of 58C-WF-241033. During this interview, [redacted] identified himself as the Assistant General Counsel for the U.S. Department of Transportation's Aviation Enforcement Proceedings Division in Washington, D.C. [redacted] maintained holding this position since 03/1986.

[redacted] last known address was [redacted] [redacted] identified his home telephone number as [redacted] his cellular telephone number as [redacted] and his work telephone number as [redacted]

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As no derogatory information was identified for [redacted] Washington Field Division is responding to this lead by Electronic Communication (EC) only.

Washington Field Division considers this lead covered.

To: Records Management From: Washington Field
Re: 62F-HQ-C1039976, 08/23/2011

LEAD(s) :

Set Lead 1: (Info)

RECORDS MANAGEMENT

AT WASHINGTON, DC

For the information of FBHIQ/Records Management
Division. Washington Field Division considers this lead covered.

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Santorum admits tipping off Ensign

Posted: Sep. 26, 2011 | 1:59 a.m.

Updated: Sep. 26, 2011 | 8:07 a.m.

Two years after deflecting questions, Rick Santorum finally has fessed up that he tipped off U.S. Sen. John Ensign in June 2009 that his extramarital affair was about to be made public in a big way.

Santorum's role was a small one in the scandal that ultimately cost Ensign, R-Nev., his job as a U.S. senator. Santorum, a Republican former Pennsylvania senator, was widely rumored to be the tipster, but at the time he refused to talk about it.

"I'm not even going to dignify that question, to be honest with you," Santorum said when approached by a reporter for Politico.com after the scandal broke.

But last week, with the scandal having receded on Capitol Hill after Ensign's resignation in May, Santorum -- now running for president -- evidently felt better about talking when Politico tried him again outside a Republican luncheon in the U.S. Capitol.

Santorum acknowledged his role, which also was reported by the Senate ethics committee in its May report on the Ensign matter. Santorum, a Christian conservative, said he was alerting a friend to strong allegations after he received a note from Doug Hampton, who was trying to blow the whistle to Fox News about Ensign's affair with his wife.

"Now if you get an email from someone saying very salacious things about a friend that could be devastating to a person's friend, that could be devastating to a person's career, what would you do?" Santorum told Politico this past week.

Santorum added that Ensign somehow already knew about Hampton's letter to Fox News anchor Megyn Kelly. He said Ensign later told him that he wasn't the first person to sound an alert.

That same night, June 16, 2009, Ensign convened an emergency staff meeting in Washington to confess the affair. The next day he flew to Las Vegas to make it public before it blew up in the media. The rest is history.

-- Steve Tetreault

DEMOCRATIC ENDORSEMENTS

State Senate Democrats have taken the unusual step of endorsing candidates now for next year's election, even though the legislators they support could face primary challenges from other Democrats.

The Majority 2012 Initiative announced its support of Assembly members Kelvin Atkinson, D-North Las Vegas, and Tick Segerblom, D-Las Vegas, for state Senate seats. The endorsements come before a three-member court-appointed redistricting panel has begun its work and long before the primary next June 12.

In addition, at least two other legislators, Assemblyman Harvey Munford, D-Las Vegas, and former Assemblyman Harry Mortenson, D-Las Vegas, have expressed interest in running for the same seats.

"With term limits we have to do things a little different," said state Sen. Mo Denis, D-Las Vegas. "These two candidates we have known for a while and feel comfortable with. We figured it was important to endorse early."

Denis acknowledged Friday that state Senate Democrats did not make endorsements before the primary election in 2010, but he said when he served in the Assembly that primary endorsements were made.

Denis, who could become majority leader next year if Democrats maintain control of the state Senate, chairs the Majority Initiative. Other members include state Sens. Sheila Leslie, D-Reno; David Parks and Mark Manendo, both D-Las Vegas, and Shirley Breeden, D-Henderson. Support for Atkinson and Segerblom was unanimous.

Denis said the two candidates have pledged to work on the two major priorities facing the next Legislature: job creation and improving the education system.

Starting with the 2013 session, both houses of the Legislature will operate under a law that limits members from serving more than 12 years in the state Senate or the Assembly. But they can serve as long as 24 years in the Legislature by winning election in the other house when they have been blocked by term limits from running for re-election to their current seat.

-- Ed Vogel

REDISTRICTING HEARING

How election districts are drawn is crucial for every state legislator, but Republicans appear more interested in redistricting now than Democrats.

Republican state Sens. James Settelmeyer of Minden and Don Gustavson of Sparks were in attendance Wednesday in District Judge James T. Russell's courtroom in Carson City for a hearing on redistricting lawsuits.

No Democratic legislators were present, although party staff member Justin Gilbert attended the three-hour hearing.

Settelmeyer said afterward he is pleased Russell devised a plan to have redistricting maps in place by Nov. 16. Democrats hold an 11-10 advantage over Republicans in the state Senate, and how the districts are drawn could affect which party controls that house.

Citizens can give their views on redistricting during a 9:30 a.m. Oct. 10 meeting on the fourth floor in the Sawyer Building in Las Vegas, followed by one at 9:30 a.m. Oct. 11 in the Legislative Building in Carson City.

Litigation over the district boundaries must be completed by March so candidates can file for seats up for grabs in the 2012 elections.

-- Ed Vogel

Contact Stephens Washington Bureau Chief Steve Tetreault at stetreault@stephensmedia.com or 202-783-1760. Contact reporter Ed Vogel at evogel@reviewjournal.com or 775-687-3901.

Find this article at:

<http://www.lvrj.com/news/santorum-admits-tipping-off-ensign-130549713.html>

☐ Check the box to include the list of links referenced in the article.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/02/2011

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

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Drafted By: [REDACTED]

Case ID #: 58C-WF-241033¹⁰⁴ (Pending)

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

(X)
/g

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

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Synopsis: Case Status Update/Declination of Prosecution
regarding former United States Senator JOHN E. ENSIGN.

[REDACTED]

Referral/Consult

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To: Washington Field From: Washington Field
Re: 58C-WF-241033, 12/02/2011

Referral/Consult

In light of the aforementioned declination of prosecution, Washington Field Division will not be required to pursue any additional investigation in this matter. However, captioned investigation will remain active as criminal charges against [REDACTED] are currently pending.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/02/2009

To: Las Vegas

Attn: SSA [REDACTED]
Squad 13

From: Washington Field
Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 (Pending) \10

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: To request SAC/Las Vegas Division concurrence for SA [REDACTED] Washington Field Division, to travel to Las Vegas, Nevada between 12/16/2009 and 12/18/2009 in support of captioned public corruption investigation.

[REDACTED]
Administrative: Retelcal between SA [REDACTED] Washington Field Division/Northern Virginia Resident Agency/Squad CR-15; and SSA [REDACTED] Las Vegas Division/Squad 13; circa 12/02/2009 regarding SAC approval for operational travel to Las Vegas, Nevada in support of captioned investigation. The purpose of SA [REDACTED] travel is to complete a witness/subject interview.

Details: The purpose of this communication is to request SAC/Las Vegas Division concurrence for SA [REDACTED] Washington Field Division/Northern Virginia Resident Agency, to travel to Las Vegas, Nevada between 12/16/2009 and 12/18/2009 in support of captioned public corruption investigation.

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To: Las Vegas. From: Washington Field
Re: 58C-WF-241033, 12/02/2009

Captioned investigation was predicated on information reported in the 10/02/2009 edition of the New York Times newspaper and forwarded to Washington Field Division by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (CREW), a non-profit political watchdog group.

For the way of background, U.S. Senator JOHN ERIC ENSIGN (R-NEVADA) is a sitting member of the United States Senate. U.S. Senator ENSIGN was first elected to the United States Senate in 11/2000 and was re-elected to his second term circa 11/2006. U.S. Senator ENSIGN currently serves as a ranking member on several congressional committees and previously served as Chairman of the National Republican Senatorial Committee (NRSC) between 11/2006 and 11/2008.

On 06/16/2009, U.S. Senator ENSIGN publicly announced that he had engaged in an extramarital affair with an unnamed former campaign aide. [REDACTED]

[REDACTED] of U.S. Senator ENSIGN's senatorial re-election committee and leadership Political Action Committee (PAC) between 2007 and 2008. In 05/2008, U.S. Senator ENSIGN [REDACTED]

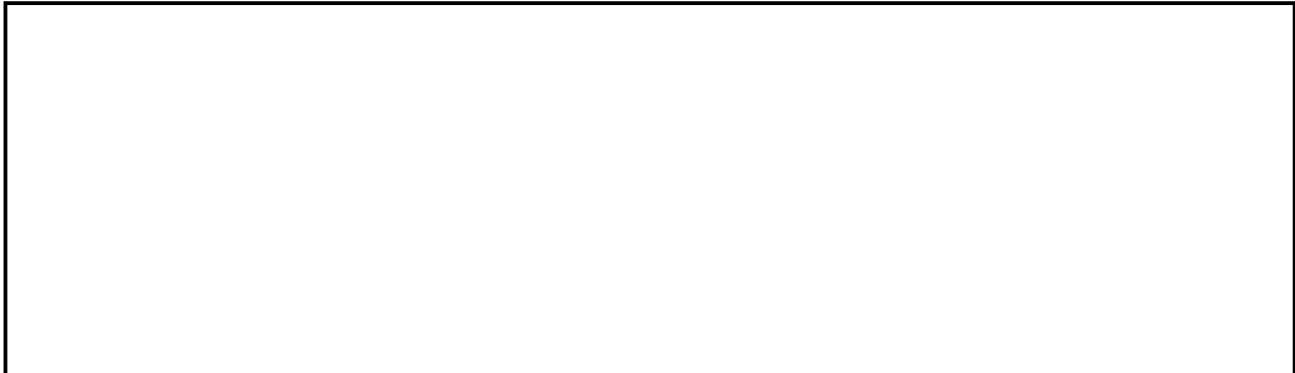
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To: Las Vegas, From: Washington Field
Re: 58C-WF-241033, 12/02/2009

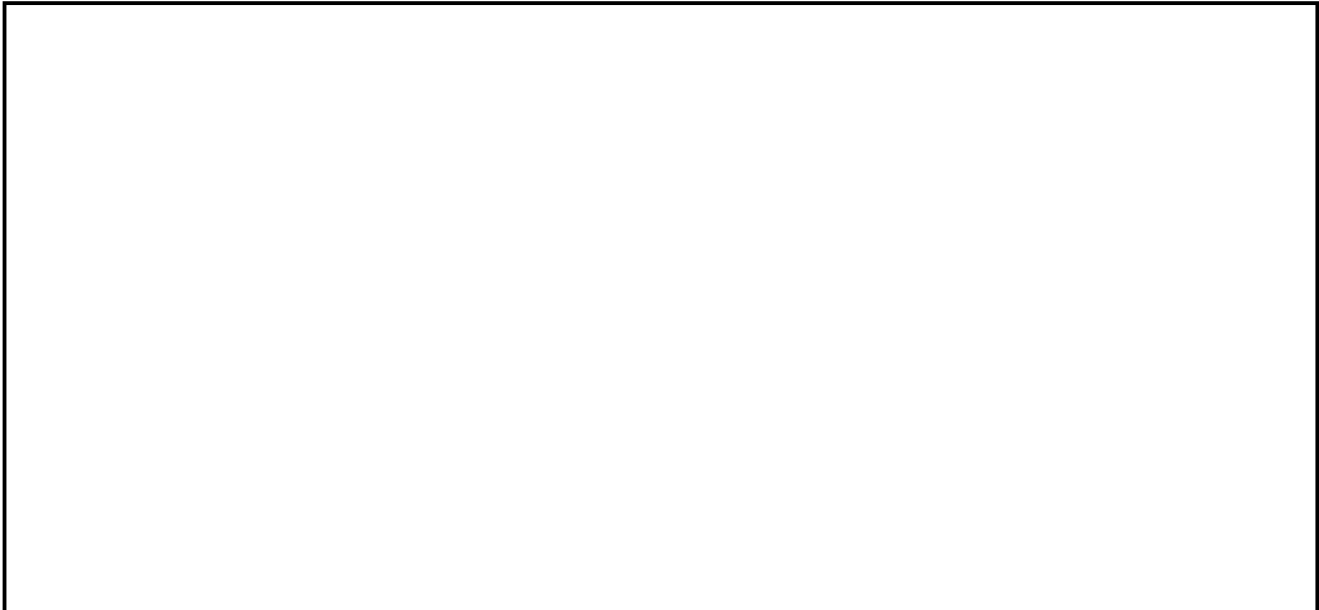


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Immediately prior to becoming [redacted] for the NRSC, [redacted] NOVEMBER INCORPORATED, a political consulting company. Between 2002 and 2007, [redacted] served as U.S. Senator ENSIGN's [redacted] [redacted] at NOVEMBER INCORPORATED. This company went dormant in 2007 when [redacted] [redacted] NRSC at U.S. Senator ENSIGN's recommendation.

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After discussing [redacted] employment options with U.S. Senator ENSIGN, [redacted] agreed to re-activate NOVEMBER INCORPORATED in order to employ [redacted] and provide him with the necessary political support to start a small government affairs practice. U.S. Senator ENSIGN and [redacted] subsequently met with [redacted] in order to present him with this business opportunity.



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To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 12/02/2009



In 05/2008, [REDACTED] NOVEMBER INCORPORATED. Documents and E-mails obtained by the New York Times indicate that two (2) companies immediately retained [REDACTED] services after being personally contacted by U.S. Senator ENSIGN. These companies were identified as NV ENERGY and ALLEGIANT AIR. Moreover, both companies were known to possess a long-standing relationships with U.S. Senator ENSIGN's office as prominent businesses operating in Nevada.

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According to documents and interviews obtained by the New York Times, [REDACTED] immediately began lobbying U.S. Senator ENSIGN's office. NV ENERGY and ALLEGIANT AIR each paid [REDACTED] per month in consulting fees for his consulting services. [REDACTED] lobbying efforts caused U.S. Senator ENSIGN to play a significant role in providing both companies with assistance in promoting their business agendas in Washington.

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Federal law prohibits [REDACTED] from lobbying any U.S. Senator or member of their staff for one (1) year after terminating their employment from the United States Senate. Moreover, federal law requires a lobbyist to register with the Secretary of the Senate within forty-five (45) days of becoming employed or retained by a company/entity for the purpose of making a lobbying contact.

It is alleged that U.S. Senator ENSIGN orchestrated the proposed business deal with [REDACTED] and conspired to violated federal lobbying restrictions in order to mitigate potential personal and professional fallout for his involvement in the [REDACTED] It is further alleged that U.S. Senator ENSIGN may have violated applicable campaign finance laws by disguising a \$96,000.00 severance payment as a

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To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 12/02/2009

"tax-free gift" in order to avoid publically disclosing the payment through mandatory filings with the United States Federal Election Commission (FEC).

On 12/17/2009, at approximately 9:00 a.m., SA [redacted] is scheduled to conduct an initial interview with [redacted] in Las Vegas, Nevada regarding his knowledge of this matter. Other participants in this interview will include Trial Attorney [redacted] United States Department of Justice/Criminal Division/Public Corruption Unit, telephone [redacted] and [redacted] a Las Vegas attorney representing [redacted]

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On 12/02/2009, SSA [redacted] Las Vegas Division/Squad 13, was telephonically advised of SA [redacted] anticipated travel to Las Vegas Division to conduct the aforementioned interview. SSA [redacted] subsequently provided Washington Field Division with verbal concurrence to travel for this purpose.

Washington Field Division also requested assistance in arranging for space at FBI/Las Vegas Division's headquarters which can be used to facilitate the interview with [redacted] SSA [redacted] had agreed to assist Washington Field Division with this request.

For the information of Las Vegas Division, [redacted] is identified as follows:

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Name:
DOB:
SSAN:
Address:

[redacted]
Las Vegas, Nevada 89134-6695

A completed Travel Request Form (FD-540) is attached to this communication for processing by Washington Field Division/Draft Office.

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To: Las Vegas From: Washington Field
Re: 58C-WF-241033, 12/02/2009

LEAD(s) :

Set Lead 1: (Action)

LAS VEGAS

AT LAS VEGAS, NEVADA

To request SAC/Las Vegas Division concurrence for SA [redacted] Washington Field Division/Northern Virginia Resident Agency, to travel to Las Vegas, Nevada from 12/16/2009 through 12/18/2009 in support of captioned public corruption investigation.

It is also requested that Las Vegas Division make arrangements for SA [redacted] to utilize appropriate space at FBI/Las Vegas Division's headquarters to facilitate the interview with [redacted] Other participants in this interview will include Trial Attorney [redacted] U.S. Department of Justice/Criminal Division/Public Integrity Section and [redacted] retained legal counsel.

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FD-999

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Revised

12-08-2011

FEDERAL BUREAU OF INVESTIGATION

ASSISTANCE/DISSEMINATION/LIAISON PROVIDED TO OTHER AGENCIES

LAW ENFORCEMENT SENSITIVE: The information marked (U//LES) in this document is the property of the Federal Bureau of Investigation and may be distributed within the Federal Government (and its contractors), U.S. intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without the Federal Bureau of Investigation's authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website on an unclassified network.

Type of Contact:

Date:

Record of Dissemination of Information to Other Agencies**04/04/2012**

Dissemination To:

Check LEC: ☐ Office of Law Enforcement Coordinationor Select a Division/Field Office (Show Legats? ☐):

Select the Responsible Division/Field Office:

Washington Field

Program:

WHITE COLLAR/ELECTION LAW VIOLATIONS**DOMESTIC AGENCY RECEIVING DISSEMINATION**

Agency Type:

Federal Agency

Contact Name: (Last, First, Middle)

Agency Name:

U.S. Federal Election Commission

Work Phone:

E-mail Address:

Title/Rank:

Associate General Counsel/Enforcement Division

Agency Address:

999 E Street NW, Washington, D.C.

Cell Phone:

Type of Contact:

*** Request made through US Department of Justice / Public Integrity Section**

Date of Interaction:

☒ Telephonic☐ Email☐ Meeting☐ Conference☐ Note☐ Fax**04/04/2012****DETAILS OF DISSEMINATION**

Examples: "Prosecution of a local case.", "Requested by Sheriff's Office.", "Relates to another agency matter."

Date of Dissemination:

Dissemination Specifics:

Related to Parallel Civil Case pending Closure**04/04/2012**

Ongoing Dissemination / One Time Dissemination:

One-time Date: **04/04/2012**☐ Ongoing☒ One-time☐ Oral☒ Written

Short Description of Information Disseminated:

For example: Interview 302s, Case Files, etc.

FD-302's

List All Associated Case Files. If the dissemination is ongoing and information is disseminated from case files other than these, a new FD-999 should be completed.

If information was disseminated from more than one serial in the same case file, all serial numbers may be listed in one Associated Serial Number field. (i.e. "1, 5, 11, 35") If dissemination is ongoing, list all serials which have been disseminated as of the date of this report and end the entry with "and future serials".

Associated Case ID:

58C-WF-241033

Associated Serial Number:

2: 38: 41: 43:

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This document should not be disseminated without FBI approval

ADMINISTRATIVE

FBI Employee Reporting the Dissemination

Name:

 (WF) (FBI)

(Enter the Last Name, First Name and click the Find button.)

Email:

@fbi.sgov.gov

Disseminated By:

☐ Same as FBI Employee Reporting the Dissemination

Name:

 (Enter the Last Name, First Name and click the Find button.)

Email:

@usdoj.gov

Tel:

Squad/Unit/RA:

U.S. Department of Justice/Public Integrity Section

Classification:

☒ Unclassified ☐ Confidential ☐ Secret

Dissemination controls:

☐ NOFORN ☐ ORCON ☐ FOUO ☐ PROPIN ☒ LES ☐ RELIDO ☐ FISA☐ FGI ☐ REL TO☐ Edit Classification Text

UNCLASSIFIED//LES

Approved By:

Name:

 (WF) (FBI)

(Enter the Last Name, First Name and click the Find button.)

Email:

@fbi.sgov.gov

Signature:

Date:

4/4/12

ACS UPLOAD INFORMATION

Concurrence to Disseminate was given by ADE on 04-04-2012 (Verbal)

Comments:

(before hitting the reject button, fill in this field with information on why the form was rejected)

Author:

ATTACHMENTS

Upload to ACS

☐

Description:

Attachment:

☐☒ File Attachment

Case ID:

Serial Num:

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FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 04/13/2012

Date: 04/17/2012

To: Records Management

Attn: NNCP/NCU #1/ICRC/K-16;
IA [REDACTED]

Washington Field

Attn: Northern Virginia R.A.
Squad CR-13;
SSA [REDACTED]
SA [REDACTED]

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

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Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 62F-HQ-C1039976 (Pending) - 245004

58A-WF-241033 (Pending) - 112

[REDACTED] (Pending) - 776

[REDACTED] (Pending) - 14

b7E

(X)
F

Title: NAME CHECK SUMMARY FILE;

a/k/a [REDACTED]

DOB: [REDACTED]

SSAN: [REDACTED]

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d/b/a [REDACTED]

DOB: [REDACTED]

SSAN: [REDACTED]

Synopsis: To cover lead as set by FBIHQ/Records Management Division.

[REDACTED]

b7E

Reference: 62F-HQ-C1039976 Serial 242825

Administrative: ReTelCal circa 04/17/2012 between SA [REDACTED]

[REDACTED] Washington Field Division/Squad CR-15; and IA [REDACTED]

[REDACTED] FBIHQ/Records Management Division/National Name Check Program; regarding status and results of this National Name Check Request.

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fa12108c.

To: Records Management From: Washington Field
Re: 62F-HQ-C1039976, 04/17/2012

E-mail correspondence circa 04/16/2012 and 04/17/2012 between SA [redacted] Washington Field Division/Squad CR-15; IA [redacted] FBIHQ/Records Management Division/National Name Check Program; SIA [redacted] Washington Field Division/Squad ID-2; SSA [redacted] Washington Field Division/Squad CR-15; SA [redacted] Washington Field Division/Squad CR-15; SSA [redacted] Washington Field Division/Squad CR-13; and SA [redacted] Washington Field Division/Squad CR-13.

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Pursuant to the FBI's Manual of Administrative Operations and Procedures (MAOP), Part #2, Section(s) 9 and 9-2.4, FBIHQ/Records Management Division is responsible for conducting Name Checks that are requested by federal agencies within the Executive Branch of the United States Government. Referenced serial documents FBIHQ's receipt of a Name Check Request for captioned individual as submitted by the United States Office of Personnel Management.

Details: Referenced serial set a lead instructing Washington Field Division to review 58C-WF-241033 Serial 466; 58A-WF-228631; and 318A-WF-231377 Serial(s) 7 and 9; for the purposes of identifying potentially derogatory information for [redacted] a/k/a [redacted] born [redacted] social security account number [redacted] and [redacted] a/k/a [redacted] born [redacted] social security account number [redacted] were further [redacted]

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Referenced serial also directed Washington Field Division to prepare a LHM suitable for dissemination to the United States Office of Personnel Management (OPM) should derogatory information for [redacted] be identified. This lead was generated by FBIHQ/Records Management Division in support of the National Name Check Program (NNCP).

A comprehensive review of 58C-WF-241033 indicated Serial 466 does not exist within this substantive case-file and associated sub-files. It is also noted that the highest numbered serial within this substantive case-file and associated sub-files is Serial 149. As such, Washington Field Division/Squad CR-15 is unable to facilitate any response to this portion of the National Name Check request.

Moreover, Washington Field Division/Squad CR-15 specifically reviewed Serial(s) 46 and 66 for 58C-WF-241033 and all corresponding sub-files under the premise a typographical error may have been recorded within FBIHQ/Records Management

To: Records Management From: Washington Field
Re: 62F-HQ-C1039976, 04/17/2012

Division's originating lead. However, no reference to [redacted] and/or [redacted] were identified in any serial.

Investigating agents assigned to 58C-WF-241033 also possess no personal knowledge of [redacted] being referenced in this investigation for any reason.

A review of 58A-WF-228631 for potentially derogatory related to [redacted] will be completed by SA [redacted] [redacted] Washington Field Division/Squad CR-15. The appropriate response to this portion of the National Name Check request will be submitted to FBIHQ/Records Management Division under separate Electronic Communication and/or LHM.

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A review of 318A-WF-231377 Serial(s) 7 and 9 for potentially derogatory related to [redacted] will be completed by SA [redacted] Washington Field Division/Squad CR-13. The appropriate response to this portion of the National Name Check Request will be submitted to FBIHQ/Records Management Division under separate Electronic Communication and/or LHM.

Washington Field Division/Squad CR-15 considers this portion of the outstanding lead covered.

To: Records Management From: Washington Field
Re: 62F-HQ-C1039976, 04/17/2012

LEAD(s) :

Set Lead 1: (Info)

RECORDS MANAGEMENT

AT WASHINGTON, DC

For the information of FBHIQ/Records Management Division. Washington Field Division/Squad CR-15 considers this lead covered.

Set Lead 2: (Action)

WASHINGTON FIELD

AT NORTHERN VIRGINIA RESIDENT AGENCY (SQUAD CR-13)

For the information of Washington Field Division/Northern Virginia Resident Agency/Squad CR-13. Please take appropriate action as deemed necessary.

◆◆

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/11/2012

To: Washington Field

From: Washington Field

Squad CR-15/Northern Virginia Resident Agency

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 58C-WF-241033 (Pending) - 113

Title: UNITED STATES SENATOR JOHN E. ENSIGN,
UNITED STATES SENATE (STATE OF NEVADA);

[REDACTED]
CORRUPTION FEDERAL PUBLIC OFFICIALS - LEGISLATIVE BRANCH
[REDACTED]

Synopsis: Case Status Update/Guilty Plea for [REDACTED]
[REDACTED]

Enclosures: [REDACTED]
[REDACTED]

Details: [REDACTED]
[REDACTED]
[REDACTED]

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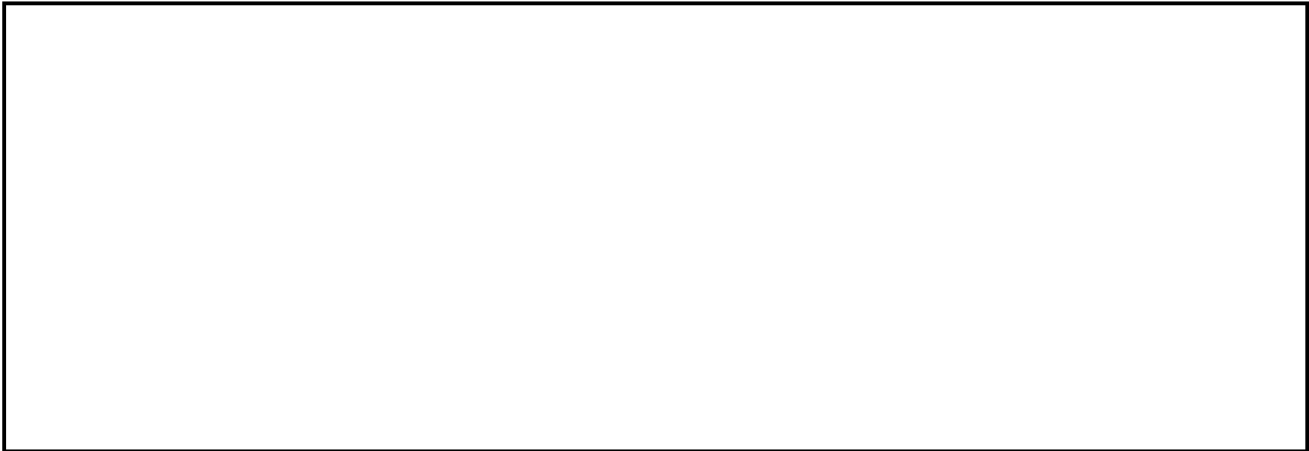
b6
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b7E

b6
b7C

fd 12163A.

UNCLASSIFIED

To: Washington Field From: Washington Field
Re: 58C-WF-241033, 06/11/2012



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It should be noted that the criminal prosecution of ENSIGN was officially declined by the United States Government circa 12/02/2011 due to insufficient evidence and exculpatory witness testimony.



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A "Statistical Accomplishment Report" form (FD-515) has been submitted to reflect a conviction in captioned matter.

♦♦



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Tom Coburn Admonished By Senators For Role In John Ensign Affair

By DONNA CASSATA 05/25/12 04:44 PM ET [AP](#)

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71
20

☒ FBI_Logo

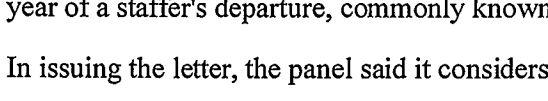
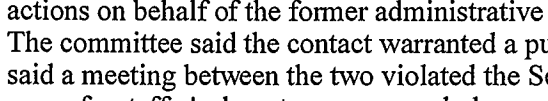
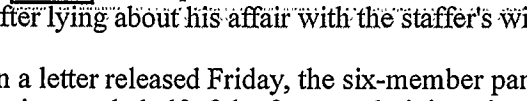
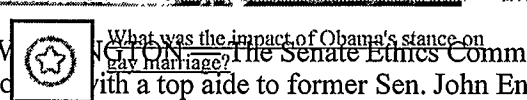
TM
6/1/12

58A-WF-241033-114
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06-07-2012

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 Coburn Admonished, Doug Hampton, Ensign, Ensign Affair, John
 Ensign Affair, Tom Coburn Admonished, Tom Coburn Admonishment, Politics News



What was the impact of Obama's stance on gay marriage? The Senate Ethics Committee admonished Republican Sen. Tom Coburn on Friday over his contact with a top aide to former Sen. John Ensign, the Nevada lawmaker who resigned in disgrace last year after lying about his affair with the staffer's wife.

In a letter released Friday, the six-member panel said Coburn's communications with Doug Hampton and his actions on behalf of the former administrative assistant "were improper conduct which reflects on the Senate." The committee said the contact warranted a public letter of qualified admonition. Specifically, the committee said a meeting between the two violated the Senate rule barring contact on legislative matters within the first year of a staffer's departure, commonly known as the "cooling off period."

In issuing the letter, the panel said it considers the matter closed.

Ensign, a Nevada Republican, quit May 3, 2011, one day before he was to have testified under oath to the Senate Ethics committee about his affair with Cynthia Hampton, her husband Doug Hampton's subsequent lobbying of Ensign's office and a payment from Ensign's parents to the one-time aide's family.

In 2008, Hampton received a \$96,000 gift from Ensign's parents, and an earlier Ethics Committee report cast Coburn as participating in subsequent, unsuccessful negotiations in May 2009 over a far larger amount. Coburn, R-Okla., has disputed the report.

In its letter, the committee said Coburn had a personal friendship with Doug Hampton and knew that he was no longer a Senate employee. Yet Coburn agreed to a meeting with Hampton less than one year later that involved discussion of legislative issues.

"Your relationship with Mr. Hampton provided you with a basis to have known he was engaging in prohibited post-employment communications when he contacted you and scheduled the March 11, 2009, meeting on behalf of his employer, Allegiant Air," the committee wrote.

In deciding on a qualified admonition, the committee said it took into account the fact that Coburn and Hampton's prohibited contact was limited to one meeting, and that the senator has acknowledged that he was wrong and should have been more careful.

"While the committee did not find that your conduct constituted actionable violations of criminal law, the committee believes that senators are obligated to meet a higher standard," the panel wrote.



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The panel also said Coburn was "intimately involved in trying to help the Ensigns and Hamptons reach a financial settlement that would stave off any public disclosure of, by then, the past affair." This knowledge, the committee said, further bolstered the argument that the Oklahoma lawmaker was aware that the meeting with Hampton's "cooling off period" of May 2, 2008 to May 1, 2009, it and the former staffer.

Had occurred during the cooling off period, and was in violation of the federal criminal law.

In a statement, Coburn's office challenged the Ethics committee criticism.

Are the campaigns using the WI recall to their

shingle? Coburn for failing to know Hampton was only seven weeks shy of ending his year-long off period is gratuitous, particularly when Dr. Coburn cooperated fully with the Ethics committee and went out of his way to acknowledge that he could have taken additional steps to learn that Hampton was under even though, again, the burden of compliance was on Hampton," said John Hart, a spokesman for Coburn. "It is unfortunate the committee has impugned Dr. Coburn for their failure to provide workable guidance for a law that was passed nearly five years ago."

What was the impact of Obama's stance on

In prelast year, the panel found that Ensign broke federal law, made false statements to the Federal Election Commission and obstructed a committee's investigation into his conduct. It forwarded the matter to the Justice Department for possible prosecution.

The former Republican lawmaker "created a web of deceit that entangled and compromised numerous people," the committee said. The panel said that it had assembled enough evidence to warrant possible expulsion had Ensign not resigned.

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John Ensign Resigns: Political Shuffle to Follow?

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The New York Times

June 7, 2012

Ex-Aide to Senator Pleads Guilty in Scheme That Snared Only Him

By ERIC LICHTBLAU

WASHINGTON — Douglas Hampton came to the Capitol from Nevada six years ago on the coattails of his best friend, Senator John Ensign, to serve as Mr. Ensign's senior political aide.

On Thursday, a somber Mr. Hampton returned to Washington and pleaded guilty to a charge of illegal lobbying in a scandal that left him in bankruptcy, ended his marriage and forced Mr. Ensign to resign his Senate seat last year under threat of expulsion by fellow senators.

"I plead guilty," Mr. Hampton, 50, told Judge Beryl A. Howell of United States District Court as he stood in her courtroom, less than a mile from the Senate building where he used to work.

If Mr. Hampton's plea deal with federal prosecutors provides a cautionary tale about the abuse of political power, it is a complicated one that has left a number of legal and political observers befuddled by the Justice Department's contrasting treatment of Mr. Hampton and his onetime boss.

Mr. Hampton faces up to one year in prison and a \$100,000 fine after admitting that he lobbied Mr. Ensign, a Nevada Republican, within days of leaving his Senate staff — in violation of a federal "cooling off" period that prohibits such contacts for a year.

Mr. Ensign, for his part, has returned to his veterinary practice in Nevada and told an interviewer in February that he was "having a ball" caring for animals again. He has not been charged by the Justice Department, despite findings last year by Senate ethics investigators that his own role in directing the lobbying scheme broke the law. Indeed, Mr. Ensign — a onetime presidential hopeful before the scandal — was not even mentioned during Thursday's hearing, and he is referred to in the plea documents only as "Senator A."

58A-LF-241033 -115
[Redacted Box] TR
06-07-2012
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Evidence first disclosed by The New York Times in 2009 showed that Mr. Ensign, after having an affair with Mr. Hampton's wife, Cynthia, arranged tens of thousands of dollars in lobbying contracts for Mr. Hampton through Nevada political allies as a means of finding income for the aggrieved aide and containing the damage from the affair.

Mr. Ensign's parents also gave the Hamptons \$96,000 after the senator fired Mr. Hampton from his Senate staff and dismissed Cynthia Hampton from his campaign staff.

The Justice Department, without explanation, initially declined to prosecute Mr. Ensign in late 2010. But last year the Senate Ethics Committee found that Mr. Ensign was at the center of the lobbying scheme, and it referred the case back to the Justice Department.

The ethics investigation found Mr. Ensign had "used his office and staff to intimidate and cajole constituents into hiring Mr. Hampton." A top aide warned Mr. Ensign that his continued lobbying contacts with Mr. Hampton might violate the law, but the senator ordered them to continue anyway, the report found.

The ethics report also found that Mr. Ensign appeared to have given false or misleading statements to the Federal Election Commission about the \$96,000.

When the Ethics Committee referred the Ensign case back to prosecutors last year, the Justice Department said it would investigate thoroughly and "take any necessary and appropriate steps."

The Justice Department declined to discuss the case Thursday, as did lawyers for Mr. Ensign.

"I cannot comment on a specific investigation," said Alisa Finelli, a Justice Department spokeswoman. But in general, she said, "if there is evidence to prove beyond a reasonable doubt that a crime was committed, we will not hesitate to bring charges."

While the department has not formally notified Mr. Ensign's lawyers that the case has been dropped — through what is known as a "declination letter" — it appears to have effectively shut down the investigation, people involved in the case said.

"I think it's an absolute outrage that Doug Hampton was the one prosecuted here while John Ensign has had nothing happen to him criminally or otherwise, except for having had to

resign,” said Jon Ralston, a political commentator in Las Vegas who has followed the story from the beginning.

Mr. Hampton cooperated for a time with Justice Department officials, giving detailed recollections of the lobbying scheme and providing e-mails and handwritten notes during hours of interviews in 2010 in Las Vegas, people involved in the case said.

He apparently hoped to help prosecutors bring a case against his former boss after the bitter falling out that followed the senator’s affair with Ms. Hampton. Instead, Mr. Hampton’s own admissions appear to have provided prosecutors with a road map to charge him alone.

Kenneth Gross, a top government ethics lawyer in Washington who is not involved in the case, said the Justice Department’s inaction against Mr. Ensign was particularly odd in light of its recent failed prosecution of former Senator John Edwards in another sex-and-money scandal.

Mr. Gross said he considered the evidence that had emerged against Mr. Ensign to be much stronger than what prosecutors presented in the Edwards matter. “The whole thing is curious,” he said.

Justice Department prosecutors allowed Mr. Hampton to plead guilty to a single misdemeanor instead of the original seven felonies. His public defender, A. J. Kramer, said he would seek no prison time under federal guidelines that call for zero to six months of incarceration. A sentencing hearing was set for Sept. 5.

As they left the courtroom, Mr. Hampton and Mr. Kramer declined to discuss the case with reporters. Asked whether he thought Mr. Ensign should also have been charged, Mr. Hampton smiled but said nothing. “He has no comment,” his lawyer said.

Las Vegas Sun

Former Ensign aide pleads guilty to misdemeanor, likely to avoid jail time

By **Karoun Demirjian** (**contact**)

Published Thursday, June 7, 2012 | 8 a.m.

Updated Thursday, June 7, 2012 | 10:37 a.m.

Doug Hampton pleaded guilty to a misdemeanor Thursday morning for breaking a rule requiring former congressional aides to refrain from lobbying their bosses for at least a year after departing a lawmaker's office.

Hampton, a former senior aide to then-Sen. John Ensign, entered the misdemeanor plea in lieu of a felony charge on the first of seven counts against him in the U.S. District Court in Washington, D.C. He faces a sentence of up to six months in jail and a fine of up to \$100,000, plus processing charges.

As part of the plea deal, the government agreed to drop the other six charges and will not seek any jail time as part of the sentence, though the judge, Beryl Howell, retains the right to sentence him to jail if she sees fit.

The judge also could order Hampton to pay restitution, if she determines there are victims of his actions who should be paid.

Howell won't deliver a sentence until Sept. 5.

Hampton will remain free until then. He will be subject to a series of meetings with parole officers as they draw up a presentencing report for the judge.

Hampton started to run afoul of the law after he learned that his wife, Cynthia Hampton, had been carrying on an affair with his best friend and boss, former senator John Ensign. As Ensign attempted to keep the scandal from going public and still get the Hamptons out of his employ, he worked to help Hampton secure lobbying contracts, including for Nevada-based Allegiant Air.

According to a Senate Ethics Committee report from last year that documented what followed, Hampton began exchanging lobbying-type communications with Ensign before he was even fully off the Senate payroll — and the Ethics committee concluded that in fact, Ensign and Hampton had intended from the

start that Hampton would use his leverage with Ensign to lobby his former boss on behalf of the new clients without regard for the legal restrictions.

Ensign left Congress at the height of the scandal, but the Justice Department never charged him with any wrongdoing — it's only been Hampton who has had to face a legal reckoning, for the last year and a half, for breaking the cooling-off period rule on lobbying.

Hampton and his lawyer A.J. Kramer looked relaxed and composed during the plea hearing, as Hampton pled guilty to breaking "the post-employment restrictions for a former Senate staff member" and stated that he had knowingly communicated with Ensign's office as a lobbyist after less than one year following the termination of his employment with the senator, "with the intent to influence" political decision-making.

Hampton asserted several times during the proceeding that he fully understood the significance of the pleas, and added he was "absolutely" satisfied with his representation during the case.

But he and his lawyer were more tight-lipped than usual as they exited the courtroom, declining to answer reporters' questions about the deal or offer any reaction to the morning's hearing.

Though his case is almost over, this is in many ways the most nerve-racking part of the proceedings for Hampton. His plea of guilty and his admission that he illegally lobbied Ensign with full knowledge of his actions is final -- with it, he gave up all rights to appeal, to petition a jury, or have any recourse against the judge's next steps, provided she stays within the confines of the law in issuing her sentence.

"You have no right to withdraw your plea just because your sentence may be more severe than you would have liked," Judge Howell reminded Hampton on Thursday.

Without the government seeking a tough sentence, however -- and considering that Hampton has no criminal history -- it's likely he will avoid jail time.

LAS VEGAS SUN

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Accomplishment Report

Date Prepared 06/08/2012

Date Loaded 6/12/2012

Date Loader's Initials MS

Squad supervisor approval
(please initial)(Accomplishment must be reported and loaded into
ISRAA within 30 days from date of accomplishment)

6-11-12

Accomplishment involves:
(check all that apply)

Drugs ☐

A Fugitive ☐

Bankruptcy Fraud ☐

Computer Fraud/Abuse ☐

Corruption of Public Official ☐

Money Laundering ☐

Sub Invest Asst by FO(s) ☐

Asst. FO(s) _____
A. B. C. D.

Task Force _____

Assisting Agencies x •
1. _____
2. _____File Number
58C-WF-241033

Stat Agent Soc. Sec. No. _____

Stat Agent Name _____

RA Squad
NVRA CR-15

Assisting Agents Soc. Sec. No. x

1. _____

Name: _____

2. - -

Name: _____

Investigative Assistance or Technique Used

1. Used, but did not help

2. Helped, minimally

3. Helped, substantially

4. Absolutely essential

For Sub. Invest. Assist. by other FO(s) indicate A, B, C, D for corresponding FO

| Rate | FO | IAT | Rate | FO | IAT | Rate | FO | IAT | Rate | FO | IAT |
|------|----|-----------------|------|----|-----------------|------|----|--------------------|------|----|-------------------|
| | | Fin. Analyst | | | Lab. Field Sup | | | UCO - Nat.Back | | | Vict-Witn Coor |
| | | Aircraft Asst. | | | Pen Registers | | | NCAVC/ Vi-CAP | | | IO Wanted Flyer |
| | | Computer | | | Photo Cover | | | Crim/NS Intel Asst | | | SARs |
| | | Consen Mon. | | | Polygraph | | | Crisis Neg.- Fed | | | CART |
| | | ELSUR / FISC | | | Search Warrant | | | Crisis Neg.- Local | | | Asset Forf Prog |
| | | ELSUR / T. III | | | Show Money | | | ERT Asst. | | | Forf Support Proj |
| | | Eng. Field Spl. | | | SOG Asst. | | | Butte - OSC | | | TFOS/CTD |
| | | Eng. Tape Ex. | | | Swat Team | | | Sav - OSC | | | CXS/CTD |
| | | Legats Asst. | | | Tech. Ag/Equip. | | | Poc - SC | | | InfraGard/CyD |
| | | Evid. Purchase | | | Phone Toll Rec | | | Tech Resp Unit | | | OFC/CID |
| | | Inf/CW Info | | | UCO - Group I | | | For. Lang Asst. | | | PPP |
| | | Lab. Div. Exam | | | UCO - Group II | | | Non FBI Lab Ex | | | Fusion Centers |

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A. Complaint / Information / Indictment

☒ Federal ☐ Local ☐ International

Complaint Date: _____

Check if Civil Rico Complaint ☐

Information Date: _____

Indictment Date: ~~06/21/2012~~

B. Locate / Arrest

☐ Federal ☐ Local ☐ InternationalSubject Priority: ☐ A ☐ B ☐ C

Locate Date: _____

Arrest Date: _____

☐ Subject Resisted Arrest☐ Subject Arrested was Armed

C. Summons Date: _____

☐ Federal ☐ Local

D. Recovery / Restitution / PELP X

☐ Federal ☐ Local ☐ International

Recovery Date: _____

Code • _____ ✓ Amount \$ _____

Code • _____ ✓ Amount \$ _____

Restitution Date: _____

☐ Court Ordered ☐ Pretrial Diversion

Code • _____ ✓ Amount \$ _____

PELP Date: _____

Code • _____ ✓ Amount \$ _____

E. Hostages(s) Released Date: _____

Released by: ☐ Terrorist ☐ Other

Number of Hostages: _____

F. Conviction

☒ Federal ☐ Local ☐ International

Conviction Date: 06/07/2012

Subject Description Code 6B • (_____)•

For 6F, G, H-Include Agency Code

☐ Felony or ☒ Misdemeanor☒ Plea or ☐ Trial

State: _____ Judicial District: DC

G. U.S. Code Violation

Required for sections A, B, F and J
(Federal Only)

Title Section # Counts

18 207 1

H. Sentence Date: _____

Sentence Type: _____, _____, _____

In Jail: Years _____ Months _____

Suspended: Years _____ Months _____

Probation: Years _____ Months _____

Fines: \$ _____

I. Disruption/Dismantlement: ✓

Disruption Date: _____

Dismantlement Date: _____

Completion of FD-515a Side 2 Mandatory

J. Civil Rico Matters Date: _____

Also complete "Section G"

Other Civil Matters Date: _____

Judgment _____

Judicial Outcome _____ • x

Amount \$ _____

Suspension: Years _____ Months _____

K. Administrative Sanction Date: _____

Subject Description Code _____

Type: _____ Length: _____

☐ Suspension ☐ Permanent☐ Debarment or☐ Injunction Year _____ Months _____

L. Asset Seizure Date: _____

Asset Forfeiture Date: _____

CATS # Mandatory _____

Circle below one of the three asset forfeiture:

Admin, Civil Judicial, or Criminal

Do not indicate \$ value in Section D

M. Acquittal/ Dismissal/ Pretrial Diversion

(Circle one) Date: _____

N. Drug Seizures ✓ Date: _____

Drug Code • _____

Weight _____ Code • _____

FDIN _____

Do not indicate \$ in Section D

O. Child Victim Information

Child located / Identified Date: _____

☐ Living☐ Deceased

P. Subject Information - Required for all blocks excluding block D (Recovery/PELP), blocks E, I, L and N

| Name | Race* | Sex | Date of Birth | Social Security No. (if available) |
|------|-------|------|---------------|------------------------------------|
| | White | Male | | |

For Indictments/Convictions only:

☐ Subject related to an LCN, Asian Organized Crime (AOC), Italian Organized Crime (IOC), Russian/Eastern European, Caribbean, or Nigerian Organized Crime Group - Complete FD-515a, Side 1 Blocks A-E mandatory, F-H as appropriate.☐ Subject related to an OC/Drug organization, a VCMO Program National Gang Strategy target group, or a VCMO Program National Priority Initiative target group - Complete FD-515a, Side 1 Blocks A-C only.

x Additional information may be added by attaching another form or a plain sheet of paper for additional entries.

• See codes on reverse side.

✓ Requires that an explanation be attached and loaded into ISRAA for recovery over \$1 m and PELP over \$5 m, disruption, dismantlement, and drug seizures.

Serial No. of FD-515

117

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b7C

WF-C223359-E-974

06/12/2012

***** CONVICTION *****

SENSITIVE / UNCLASSIFIED

Case Number: 58C-WF-241033
Serial No.: 117Stat Agent Name:
Stat Agent SOC.: Report Date: 06/12/2012
Accom Date.: 06/07/2012b6
b7c

| Does Accomplishment Involve | Assisting Joint Agencies | Assisting Agents SOC | Subject Name |
|-----------------------------------|--------------------------|----------------------|----------------------|
| Drugs : N | | <input type="text"/> | <input type="text"/> |
| A Fugitive. : N | | | |
| Bankruptcy Fraud. : N | | | |
| Computer Fraud/Abuse. : N | | | RA Squad Task Force |
| Corruption of Public Officials: N | | | ----- |
| Money Laundering. : N | | | NVRA CR15 |

Sub. Invest. Asst by Other FOs:

1 = Used, but did not help
2 = Helped, Minimally
3 = Helped, Substantially
4 = Absolutely Essential

Investigative Assistance or Technique Used

| | | | |
|---------------|---------------|----------------|----------------|
| FINAN ANALYST | LAB FIELD SUP | UCO - NAT BACK | VICT-WITN COOR |
| AIRCRAFT ASST | PEN REGISTERS | NCAVC/VI-CAP | IO WANTED FLYR |
| COMPUTER ASST | PHOTO COVERGE | CRIM/NS INTEL | SARS |
| CONSEN MONITR | POLYGRAPH | CRIS NEG-FED | CART |
| ELSUR/FISC | SRCH WAR EXEC | CRIS NEG-LOC | ASSET FORF PRO |
| ELSUR/III | SHOW MONEY | ERT ASST | FORF SUPPORT P |
| ENG FIELD SUP | SOG ASST | BUTTE OSC | TFOS/CTD |
| ENG TAPE EXAM | SWAT TEAM | SAV OSC | CXS/CTD |
| LEGATS ASST. | TECH AG/EQUIP | POC SC | INFRAGARD/CYD |
| EVIDNCE PURCH | TEL TOLL RECS | FT. MON-NRCSC | OFC/CID |
| INFORMANT/CW | UCO-GROUP I | FOR LANG ASST | PPP |
| LAB DIV EXAMS | UCO-GROUP II | NON FBI LAB EX | FUSION CENTERS |

Date of Conviction (MM/DD/YYYY) : 06/07/2012
Subject Description Code. : 6BFederal, Local, or International (F/L/I) : F
Felony or Misdemeanor (F/M) : MPlea or Trial (P/T) : P
Judicial State. :
Judicial District : DC

U. S. Code Violation(s)

| Title | Section | Counts |
|-------|---------|--------|
| 18 | 207 | 1 |

Form FD-515a:
Subject's Role =

Accomplishment Narrative